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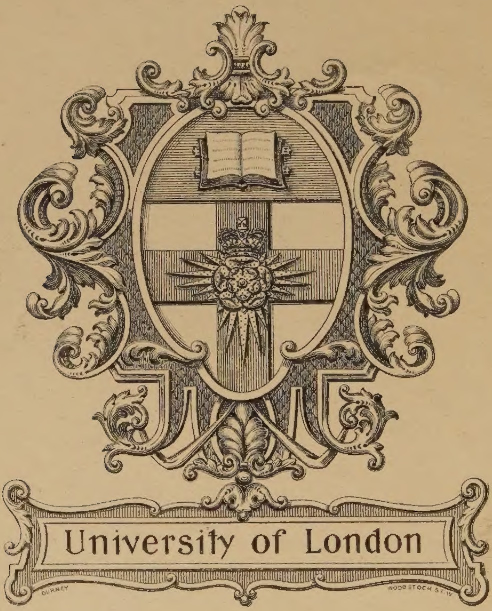

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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

5° VICTORIÆ, 1842.

VOL. LXII.

COMPRISING THE PERIOD FROM

THE SEVENTH DAY OF APRIL

TO

THE SECOND DAY OF MAY, 1842.

Third Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;

LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON; J. RIDGWAY; CALKIN AND BUDD; R. H. EVANS; J. BIGG AND SON; J. BAIN; J. M. RICHARDSON; P. RICHARDSON; ALLEN AND CO.; R. BALDWIN; AND CRADOCK AND CO.

1842.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *SECOND SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 3 FEBRUARY, IN THE FIFTH YEAR OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, April 7, 1842.

MINUTES.] BILLS. *Public.*—1ª· Parish Property; Forged Exchequer Bills; Public Works; Spirit Duties (Ireland); Agents Advances.

Private.—1ª· Severn Navigation; Nottingham Gas (No. 1); Cheltenham and Great Western Union Railway; Bradford (York) Waterworks; West Stirlingshire Roads. 2ª· Windsor Bridge.

PETITIONS PRESENTED. By the Earl of Bandon, and the Earl of Wicklow, from Tanderagee, Longford, Down, Dundalk, Antrim, and other places, for the Ratification of Past and Future Mixed Marriages between Dissenters and Members of the Church of England.—By Lord Campbell, from Prisoners in Whitecross-street, for the Abolition of Imprisonment for Debt, except in cases of Fraud.—By Lord Brougham, from the Anti-Slavery Society of Belfast, for the Abolition of Slavery in the East Indies; and from the Literary Society of Kingston-upon-Thames, that such Institutions may be Exempted from the operation of the Income-tax.—From Glanworth, Rockmills, Bathelara, Kilmeen, Youghall, and other places, for the Encouragement of Schools in connection with the Church Education Society of Ireland.—From Dunboe, for the Abolition of Patronage in the Church of Scotland.—From Dundalk, for a Line of Railway connecting Dublin with Belfast, and passing through Dundalk.—From the Tradesman's Society of Aberdeen, for Inquiry into the Military Protection afforded to the Deposed Ministers of Strathbogie.—From the Guardians of the Chitton Union, that Owners of Small Tenements under the Yearly Rent or Value of 6*l.* may be Assessed to the Poor and other Parochial Rates.—From Douglas, Lanarkshire, for the Repeal of the Corn-laws.

Adjourned.

HOUSE OF COMMONS,

Thursday, April 7, 1842.

MINUTES.] BILLS. *Public.*—2º· Timber Ships.

3º· and passed:—Corn Importation.

Private.—1º· Witt's Estate.

3º· and passed:—Cheltenham and Great Western Union Railway.

PETITIONS PRESENTED. By Mr. Bailey, Mr. Strutt, and Mr. E. Buller, from the Boot and Shoemakers of Worcester, Canterbury, and Stafford, against Reduction of the Duties on Foreign Boots and Shoes.—By Lord Joscelyn, from Timber Dealers of Lynn, against the proposed Alteration of the Timber Duties.—By the Marquess of Douro, from Norwich, in favour of the Commercial Scheme of the Government.—By Mr. Hodgson, and Mr. Bowes, from Newcastle-upon-Tyne, and Durham, against the proposed Duty on Coals.—By Mr. Brotherton, from Leeds, Chester, Poynton, Oldham, and other places, against the Employment of Females in Coal Mines.—By Mr. Crawford, from the Minister and Members of a Congregation in Belfast, and from Donegal, and Megerally, in favour of the Protestant Marriages Bill.—By Mr. O'Connell, and Sir R. Heron, from Kilkenny, Castlepollard, Hyde, Cheshire, Manchester, and other places, for a Repeal of the Corn-laws.—By an hon. Member, from persons interested in the Pilchard Fishery at St. Ives, for the adoption of Measures to obtain a Reduction of the Duty on British Pilchards Imported into Naples.—From Dumfries, Spalding, Holbeach, Babraham, Ikleton, and other places, against the Importation of Foreign Cattle.—From Chard, and Barwell-cum-Stapleton, against any further Grant to Maynooth College.—From Wellington Union, for Amendment of the Poor-law Amendment Act.—From Melrose, against the Corn Importation Bill.—From Killimare, Teeranasera, and Mallow, for the Repeal of the Union. —From Birmingham, against the Boroughs Improvement

(No. 2) Bill.—From the Rev. Thomas Silver, against the Commutation of Tithes without the Consent of the Owner.—From Inverness, for Securing the Rights of the Burgh of Inverness in any measure passed with reference to the Caledonian Canal.—From the Chairman and Secretaries of the Belfast Anti-Slavery Society, against the Exportation of Labourers from British India.—From the Moderator of the Presbytery of Penpont, for the Better Observance of the Sabbath.—From the South and South Eastern District of St. Marylebone, for the Redemption of the Tolls on the Metropolitan Bridges.

CONTEMPT OF THE HOUSE.] Sir *J. Y. Buller* brought up the report of the committee appointed to try the return for Great Marlow, stating, that they had come to a resolution that, in their opinion, Richard Gibbons was wilfully guilty of giving false evidence before them, and that he was committed to the custody of the Sergeant-at-Arms, under an order of the chairman, to wait the pleasure of the House. The hon. Baronet then moved that Richard Gibbons be committed to Newgate until the House should make further orders.—Agreed to.

LORD COREHOUSE.] Mr. *Wallace* rose to move, pursuant to notice, that the correspondence respecting the resignation of Lord Corehouse, formerly a judge in the supreme court of Scotland, and now retired on a pension for life, as the same was circulated by the said Lord Corehouse and the late Lord Advocate for Scotland, and was by them sent to many Members of both Houses of Parliament, be laid on the Table of this House. He could not imagine that any objection could be urged to the motion. He had got the papers in his hand at that moment, so that there could exist no difficulty in obtaining copies of them. They could not be considered private, for they had been circulated to a considerable extent amongst public men, and six Scotch judges, six peers of Parliament, besides many Members of the late and present Government, were referred to in the correspondence. If there were any portions of the correspondence which it might be considered desirable to omit, he would not object to it; but he was desirous of using some parts of the papers in support of a motion which he intended to bring on on the 19th instant. He concluded by moving for the papers.

Sir *J. Graham* said, that the hon. Gentleman had stated no parliamentary ground for his motion. The correspondence in question, although it had been circulated amongst a few persons who were referred to in it, was still of a private character. The hon Member, in obtaining a copy of the correspondence, had been more fortunate than he had been; for some time he had made the strictest inquiries for a copy in London, but did not succeed in obtaining it. If the hon. Member required to refer to the correspondence, when he should bring forward the motion to which he referred he could use the copy he had for the purpose.

Mr. *Wallace* said, he did not need to be told by the right hon. Baronet that he could make use of the copy of the correspondence which he had in his possession. He certainly could do so. As the motion was opposed, he would, to save the time of the House, withdraw it.

Motion withdrawn.

FOREIGN SALMON.] Mr. *Ward* wished to know whether a report, which he had heard, was true, namely, that the Government was about to impose a duty of 150 per cent. on foreign salmon?

Sir *R. Peel* said, that the hon. Member possessed an advantage over him, for he had not heard the report to which reference was made; but he could set the hon. Gentleman's mind at rest by declaring that the report was altogether without foundation.

RANSOM OF CANTON.—CAPTURES IN CHINA.] Mr. *Blewitt* said, that the right hon. Baronet had stated last night that the amount of Sycee silver received from the Chinese amounted to 340,000*l.*, but that was more than the whole miscellaneous revenue, according to the last returns. He wished to know whether the right hon. Baronet would lay upon the Table of the House an account of the whole of the ransom paid by the Chinese converted into British money.

Sir *R. Peel* said, he could promise the hon. Member, that as soon as the Sycee silver should be coined into British money, he would let him know what it amounted to. He would take this opportunity of stating that the exact value of the Sycee silver, for which credit was taken under the head of miscellaneous revenue, was 302,000*l.* There was an additional quantity of the silver, for which credit would be taken in the public accounts as soon as it should be coined.

Mr. *Blewitt* expressed a wish that no part of the money should be applied until he had an opportunity of bringing forward a motion of which he had given notice.

Lord *John Russell* informed the hon. Member that the money must be distributed as prize money, under the authority of an Order in Council.

Mr. *Blewitt* asked, whether instructions had been sent out to China by the Admiralty for the adjudication of prizes?

Sir *R. Peel* said, that proper instructions had been sent out, and courts appointed, one of which was at Singapore.

Right of Petitioning.] Mr. *T. Duncombe* rose to move—

"That the practice of this House, which precludes the presentation of petitions upon the subject of any tax or duty under its consideration, be discontinued."

The hon. Member said, that up to the time when the right hon. Baronet (Sir R. Peel) made his financial statement, few individuals in that House, and much fewer out of it, were aware that it had ever been the practice of the House to refuse to receive petitions pending the progress of a bill imposing a heavy tax upon the people. But the public were more surprised when they found the Members of the reformed Parliament attempting to shelter themselves under an inconsistent and almost obsolete practice, by refusing to hear petitions which were presented to it by those very individuals who had placed them in the position which they occupied. He was prepared to maintain and to insist upon the right of the people to address that House upon any subject which they might think proper. He contended that the people had as indubitable a right to address the House by petition upon the subject of taxation, as upon any other measure of general legislation relating to the rights, the liberty, or the property of the subject. He took his stand upon those broad grounds, and he was not prepared to compromise the principle in the slightest degree. It would be necessary to trace the origin of the practice in question, the source whence it sprung, the manner in which it had been enforced, and the instances in which it had been departed from. The House would observe that there was no standing order or rule whatever for the course which they were then pursuing in rejecting the petitions of the people; and he thought, when it was shown how the practice originated, neither the House nor the people could be otherwise than surprised at the slender grounds on which they presumed to reject the petitions of those who had placed them there to protect their property and their interests. It appeared from Hatsell's precedents, which he trusted the House would consider no mean authority, that this practice originated very shortly after the Revolution of 1688. The first time the right of petitioning appeared to have been questioned was in 1689. On the 15th of April of that year, a petition was presented from Protestant Ministers, praying for relief out of a particular revenue. A debate took place on the subject, and the House resolved that it was irregular and disagreeable to the House to prescribe how relief should be given, and the petition was then withdrawn. In 1796 a resolution was passed in a committee of Ways and Means for imposing a tax of 10 per cent. *ad valorem* on articles of woollen manufacture. A cloud of petitions was presented against it, and although the resolution was carried in the committee of Ways and Means, the bill was dropped; in fact, the bill was never presented at all. It appeared, then, that in 1698, the House having felt the inconvenience of admitting petitions that had been presented in a preceding Session, peremptorily refused to receive those petitions on a tax then depending upon coal and culm. On the 20th of April in that year a petition was presented against the proposed tax, and was rejected by a majority of 112 to 99. It was clear, then, that up to that period the House was in the habit of refusing to receive petitions directed against any pending tax; but in 1704 the House departed from that practice. On the 14th of February of that year a petition was presented from various merchants and traders against a duty on calicoes, and the petitioners asked to be heard against the tax by counsel. This was refused, but the petition itself was ordered to lie on the Table till the second reading of the bill. On the 21st of May, 1711, it was proposed to raise 1,500,000*l.* by a duty on vellum, parchment, and cards; a petition against the duty was presented by merchants trading in Genoa paper, by stationers and haberdashers. That petition was not only received, but was ordered to be referred for consideration to a committee of the whole House on the bill. In 1732 the question was again raised. The agent of Rhode Island and Providence Plantations in that year presented a petition against the Sugar Colony Bill; the same objection was taken to the petition as in 1698; and a Mr. Winnington, who appeared to be then a great authority on the Ministerial side of the House, said the practice of receiving such a petition had never been allowed except on extraordinary occasions, as it had been found inconvenient that the time of the House should be occupied in discussing frivolous petitions. That objection could not apply at present. In those days petitions could be discussed, and sometimes one petition would occupy a whole evening, consequently nothing could be easier than to defeat a tax by petitions of that description. The petition was rejected by 140 to 112. In the year 1733 a petition was presented from the city of London, against an excise bill then pending. Sir John Barnard moved that the petition be not only laid upon the Table, but that the petitioners should be heard by counsel at the bar. Another long debate arose. Precedents were quoted on both sides. Sir John Barnard, S. Sandys, Gibbon, Bootle, Pultney, Esqrs; Sir William Windham; Watte Plummer, G. Heathcote, and Thos. Wyndham, Esqrs., spoke in favour of the rights of the petitioners; against the petitioners' rights were the Chancellor of the Exchequer (Sir Robert Walpole), Horace Walpole, Mr. Winnington, the Attorney and Solicitor Generals, Sir W. Younge, and Mr. Pelham. The arguments that they used against this right were the arguments used the preceding Session by Mr. Winnington—the fear of multitudes of petitions, which, debated separately, would impede the public business; and as to hearing counsel, that would be still more inconvenient against a tax. It ended by the petition being allowed to remain on the Table until the second reading of the bill, but counsel were refused by 214 to 197. On the following day more petitions against the bill came in from Nottingham and Coventry, which were ordered to lie on the Table, and the bill was subsequently dropped. Now this custom of not receiving petitions had certainly obtained ever since that period, with a few isolated exceptions in cases when the petitions had slipped in without the observation of the House. The question had never afterwards been discussed until the month of May, 1815. On the 1st of May in that year, a petition was presented against the then pending Property-tax Bill. That petition was certainly rejected; but it was rejected not only on the ground of its relating to a tax then pending, but also because it was supposed to be disrespectful and libellous in some of its allegations. Sir W. Curtis presented that petition; it was rejected by 107 votes to fifty-nine. The House would observe, however, that up to the present time there had been no rule laid down upon the subject, and it had always been left to the discretion of the House to receive or reject such petitions. From the year 1815 he would pass to what had occurred the other day. On the 22nd of last month he found that there had been offered to the House a petition from the parish of St. Clement's, Eastcheap; aod also a petition from Royston against the proposed duty upon income. Upon that occasion the Speaker stated that it appeared by the proceedings of the committee of Ways and Means, published in the votes and proceedings of the House, that a tax upon income had been proposed as part of the Ways and Means for raising the supply granted to her Majesty for the service of the year, and that, according to the established rules of the House, no petition against a tax under consideration, for the service of the year, could be received by the House. The petitions were accordingly rejected. The right hon. Baronet demanded this tax not merely for the service of the current year, but for three, four, or perhaps five, years to come. But he would not ground his motion on a quibble like that; he would take his stand on the broad ground of the people's rights. What was the case in the present instance? On the 11th of March last the right hon. Baronet laid his budget before the House. By that budget he proposed to take four millions of money out of the pockets of the people; and on the Friday following, no sooner had the House got into a committee of Ways and Means on that budget, than the doors of the House were closed against the petitions of the people. Such a course was most unjust. It was no doubt a convenient way for an unpopular Ministry, but it was a practice not to be maintained without gross injustice. He did not know that there was any occasion for him to occupy more of the attention of the House. He would, therefore, not say more than ask the House to adopt the resolution now in the Speaker's hands. He would ask the House to do justice to the people, and would move in conclusion, the resolution which he had read at the commencement of his speech.

Sir *G. Clerk* said, he was aware of the disadvantages under which any Member presented himself, who attempted to offer obstructions to the petitions of the people, and certainly no rule adopted for the mere convenience of the House ought to stand in the way of the most valuable of all the rights of the people. But those who had attended to the hon. Member for Finsbury, must have seen, that the practice now objected to was one that had existed from a very early period. Immediately after the Revolution, a great increase took place in the number of petitions presented, and it was soon discovered, that a very great inconvenience arose from receiving petitions against the money bills for the current year; and after a few years, the evil was found to be so growing, that the House, in 1693, came to a resolution that no petition should be received against a money bill under the consideration of the House, and intended for the service of the current year. All parties had since admitted, that this restriction was a salutary one; and he thought the House also had been extremely jealous in preventing such restrictions on the presentation of petitions going beyond that line which was originally drawn in 1693. There had been apparent deviations from that rule. Those deviations arose from doubts entertained by the House as to whether the bills under discussion, and which had been petitioned against were, properly, money bills, or rather only bills for the regulation of trade. If the hon. Member would look to the discussion in 1733, he would see that upon that occasion, when an Excise Bill was introduced by Sir R. Walpole for regulating the duties on tobacco, the point considered was, whether it were a money bill, or one merely for the regulation of trade. The precedents previous to that time were ordered to be read during the discussion upon the bill, when it was shown that in all cases of petitions against money bills before the House, the House had considered it its duty to refuse to receive them. The reason of the rule was a very plain one. If the House of Commons found it necessary, in order to raise a supply in committee of Ways and Means, to have recourse to the disagreeable alternative of imposing fresh taxes, there could be no doubt that the imposition of a fresh tax would be felt as a burden and a grievance by every class of the community, immediately affected by the tax. The House did not require to be informed by petitions that the people felt the imposition of those taxes to be a grievance. It was for the House to judge whether, after having voted large supplies to the Crown, and seeing no other mode of raising those supplies but by the imposition of fresh taxes, they were to desist from the course of proceeding which they had adopted, merely because it was felt by some individuals to be a grievance. After the rule had been completely established in the year 1733, an attempt was made at deviation from it, for, he believed, that in 1783, when an additional duty was sought to be laid on receipt stamps, the City of London presented a petition against the bill, and the petition was received under these circumstances. It was the privilege of the City of London to present petitions to that House by their sheriffs, who, for that purpose, came to the bar of the House. No Member stated the substance of those petitions, the petition was merely laid upon the Table, and read by the clerk, and consequently no question could arise as to whether the petition should be received, until it had been read by the clerk at the Table, for until then the House could not be cognizant of the contents of the petition. When, however, that petition had been read, an objection was immediately taken to it, and it was declared that it should not be received as a precedent for a departure from the rules of the House. Mr. Fox, on that occasion, than whom no man, in the then, or in the present House of Commons could be more jealous of the rights of the people, had said, that although he had considered the subject of petitioning the House of Commons to be an invaluable right of Englishmen, yet if they permitted every man to petition against every new tax, it would be impossible for the House to go on with the business. Mr. Fox even went still further, and said, that the more universally a tax should be petitioned against, the greater argument, in his mind, did that constitute in its favour; because it proved that the tax acted impartially,—that it was an equal tax, pressing equally upon all classes. This practice could not be attended by any inconvenience, because, if a tax were proposed, those who were affected by it had an ample opportunity of making their representatives aware of their feelings on the subject. He did not complain of the course which hon Members opposite adopted before the recess for the purpose of delaying the progress of the resolutions. They had taken that opportunity of the recess to ascertain the sentiments of their constituents; and, therefore, whenever they should come to a division on the subject, every Member would be as well prepared to state the sentiments of his constituents, as if they had had an opportunity of presenting forty or fifty petitions on the subject. No practical inconvenience could arise from a perseverance in this rule. The imposition of a new tax must be felt as a burden by all those who were affected by it; and he would put it to the ingenuity of the hon. Member for Finsbury to suggest a new tax that would not increase the burden of some class or other of traders. But if they refused to relax the rule when a tax affecting only a class was concerned, how much more imperative was it upon them to enforce the rule in the case of a tax affecting all classes. It was for these reasons—because he heard no argument from the hon. Member for Finsbury, showing, that inconvenience had resulted from the rule—because it had been adopted by the House of Commons for 150 years, and had been found by all parties a very expedient rule—because it had not been rashly adopted by them, because it was likely to secure the rights and privileges of the subject and of the country; it was for all those reasons that he opposed the motion of the hon. Member, however easy it might be to introduce topics of popular declamation with regard to the rights of petition, it would, in his opinion, be very inconvenient to receive petitions on those occasions alluded to by the hon. Member, and would be very detrimental to the public service.

Mr. *Macaulay* said, that anxious as the honourable Baronet had expressed himself to protect the right of the people to approach that House with their petitions, the hon. Baronet's speech seemed not the less to be directed against the right of petitioning generally. The people, the hon. Baronet said, had representatives to make their feelings known; but if that argument were to hold good, it was an argument against all petitions, and against their beginning business at four o'clock. If the hon. Baronet was right, they, the Members of the House of Commons, need not in future give themselves the trouble of coming down to the House before five o'clock. In proportion as a tax was felt to be more oppressive, more general in its character, was the right of petitioning to be limited? Why, what were the people to petition against, but what they felt to be a grievance. The hon. Baronet cautioned them against the practice of declamation on the right of petition. Now, he would ask any hon. Member whether he had ever heard the right of petition spoken of in more declamatory language, whether he had ever heard the peculiar, sacred, inalienable, hereditary privilege of the people more lightly spoken of than it had just now been by the right hon. Baronet. The only difference between the declamation of the right hon. Baronet, and that which he censured on the other side, being that the declaration of the right hon. Baronet was a prelude to an attack upon it, instead of an introduction to its support. He could conceive only two reasons that ought to lead this House to refuse to receive a petition. The first was, if the petition was worded in indecent or unbecoming language; and the other ground on which the refusal of a petition could be justified was, if the petition asked the House to do what it was not in its province to do. For instance, if a petition were presented, praying the House to interfere to stop an action of ejectment, the House might very well decline to receive a petition, praying the House to interfere with the jurisdiction of the courts of law. But was that the case now? What was the essential province of the House of Commons? When the Sovereign, at the commencement of a new Session, addressed Parliament from the Throne, on all matters of domestic or foreign policy, the Sovereign addressed both Houses of Parliament, but as soon as the question of taxation arrived, the style of the Royal Speech was immediately changed, and the Sovereign addressed herself only to the Gentlemen of the House of Commons. And what was the consequence of the rule on the present occasion? Why, the people, shut out from the House of Commons, were flocking with their petitions to the House of Lords! To the House of Lords, that might indeed reject, but could not amend the bill. Thus was the House of Commons interdicted from the exercise of its proper functions; and for what purpose? Under the ancient system, when discussions were liable to arise on the presentation of every petition, so that no Member could know when the public business was likely to come on, there might be some plausible grounds for the maintenance of such a rule; but under the altered practice—a practice of which he heartily approved, for it was a great and wholesome change, in favour of which he had felt much pleasure in recording his vote—under this altered practice, he would say, what advantage could there be in still retaining this rule? But if the hon. Baronet's respect for old precedents were so great, why did he not vote with those who had proposed to restore the old practice of debating on petitions. He looked upon the old practice as a very bad practice, and he felt convinced that if it had not been reformed, it would not have been possible for the people to obtain a fair opportunity to lay their petitions on the Table of the House. But now, when the presentation of petitions occupied no more time than was necessary to enable a Member to state their substance and carry them to the Table, no business could be obstructed by their presentation. Why, that very evening, while the Members were waiting in silence for the commencement of public business, a hundred petitions against the Income-tax might with ease have been presented. He had a number of petitions himself from Scotland against the Income-tax, and could have presented them all in the course of one minute. What was the consequence of their closing the doors against those petitions? Why, their constituents met, and passed strong resolutions against the proposed tax, and then called upon their representatives to state those resolutions to the House in one way or other. Instead of presenting the petitions of the people in a regular manner, hon. Members would be obliged to wait until the debate on the Income-tax came, and then they would have to rise and read those petitions and resolutions as parts of their speeches. He would do so for one. They could not be prevented from doing so, and it was the only alternative left them, when debarred from constitutionally placing the remonstrances of their constituents before the House. He had never voted with a more clear conviction of the justice of a vote than he should do this evening in voting with the hon. Member for Finsbury. The country was highly indebted to the hon. Member for Finsbury for bringing this motion forward. Whether the motion were carried or not, still the people would be indebted to the hon. Member; for if the motion were carried, the people would gain a valuable privilege; and if the motion were lost, the people would receive a no less useful warning.

Captain *Hamilton* would vote with the hon. Member for Finsbury, if he thought the success of this motion could be attended with the least benefit to the people; but no such benefit could accrue to them. He was surprised to find the Radicals support this motion. An hon. Friend of his, opposite, intended to propose a new reform bill. He would ask how many of the new constituency to be created by that bill would be affected by the Income-tax. The question was one in which those who were not directly represented in that House could have no interest whatever, as the tax would not affect them.

Sir *R. Peel* said, he should consider himself guilty of a gross dereliction of duty were he to take any other course than to meet this motion with a direct negative, and he hoped the House would support him in so doing. The rule was one established immediately after the Revolution, and it had been adhered to ever since. The question whether the House should receive petitions against money bills intended for the supply of the current year, was a question that had been discussed again and again, and that at a time when there were men in the House as keenly alive, as any that had succeeded them, to the maintenance of popular rights. The resolution to which they had always come was, to maintain so salutary a rule, and if the right hon. Gentleman now displayed so much zeal for the rescinding of that rule, it was certainly surprising that the right hon. Gentleman's zeal should never have been awakened while he was still in office. In 1840, the Chancellor of the Exchequer deemed it necessary to the supplies of the year to propose an addition of 10 per cent. to the existing taxes. Why did the right hon. Gentleman not then extend to the people the right for which he was now contending. [Mr. *Macaulay*: I never till lately heard of the rule.] The right hon. Gentleman never before heard of the existence of this rule! It is rather unfortunate for the public that he should not have obtained this knowledge till he was out of office. In 1840 the Chancellor of the Exchequer called upon the House, on considerations of public duty, to make an addition of 5 per cent. to all revenues of excise and customs, and 10 per cent. on assessed taxes. If all those who had been affected by the proposed measure had attempted to obstruct its progress by the presentation of petitions, would not the Chancellor of the Exchequer have referred to this rule of 150 years standing? He felt convinced that he would have done so, nor would the Secretary-at-War have abandoned his colleague on such an occasion. At several periods this question had been raised. On the 29th of January, 1760, the maltsters of Ipswich petitioned against a bill then before the House for the imposition of a duty on malt, and when the question was put, that the petition be brought up, the question was negatived *nemine contradicente*, all parties being agreed that the rule was one that ought to be maintained. In 1783, when party spirit ran very high, a petition was presented against a bill then under consideration for the imposition of stamp duties on notes and receipts. The petition was presented, but on the question that it be brought up, the question was again negatived. In 1795, when the contest was going on between Mr. Pitt and Mr. Fox, and never had public feeling been more strongly excited than it was at that time;—well, on the 4th of March, 1795, when the strongest arguments had been used against the injustice of the war, this question again arose, in consequence of the presentation of a petition from certain dealers in wine, who prayed that the duty about to be imposed on wines might not be imposed upon the stock on hand. When the question was put, that the petition be brought up, it was again negatived, and negatived *nemine contradicente*. At a time when the popular party was led by such men as Mr. Fox and Lord Grey, these usages were adhered to and maintained. Neither by their votes, nor by their speeches, had those men attempted to obstruct the rule, and was it now too much to ask that the House of Commons would still adhere to a principle adopted immediately after the Revolution, and adhered to ever since. He would make no compromise on the subject. Even though he were assured that the greater number of petitions would be in favour of the Income-tax, he would still ask the House to adhere to the constitutional usage, and he could not help thinking that the greater number of the Members of the late Government would support him in his view of the case. The maintenance of the rules of Parliament formed an essential part of the security for the preservation of public freedom. The rights of the people did not depend merely on acts of Parliament, but also on the construction put upon established rules and usages. With respect to the rule under consideration, it was a sense of public convenience that had induced the House of Commons to adopt it, and a sense of public convenience had led the House of Commons to adhere to it. He felt confident he should be supported by a large majority in his determination to resist the attempt to break through this rule, but even if he stood alone he should feel that he was discharging a public duty in saying "no" to this motion.

Sir *George Grey* said, the question was, one which ought not to have been converted into a party one, and therefore he regretted the more the warmth of language in which the right hon. Baronet had indulged. The right hon. Baronet had addressed an unworthy taunt against the Members of the late Government. The right hon. Baronet professed surprise at this new-born zeal for popular rights, and asked why his right hon. Friend (Mr. Macaulay), when he was a Member of the late Administration, and when the late Chancellor of the Exchequer proposed an increase of the duties of Customs and Excise—why his right hon. Friend had not then moved to have this rule rescinded? But could the right hon. Baronet show, that at that time any Member of the House tendered a petition against those taxes? or could he show that any such petition had been rejected by the House? If so, the taunt would have been just. But no such petition had he heard of during the late Government, though he had witnessed many in the course of the present Session. The Members of that House were sent there to watch over the interests of the nation; and if a tax was proposed, necessarily affecting those interests, were hon. Members to be bound by the practice of their ancestors, to reject all petitions against it, especially in a case in which, as his right hon. Friend had shown to demonstration, and whose arguments he had not heard answered from the other side, the reason which had influenced their ancestors was a reason that had utterly ceased to exist. At the time when the rule was made, a petition might be debated day after day, and the reception of it followed by a motion, that counsel might be heard at the Bar of the House against a tax that was proposed to be laid on. He could conceive, that such a course might be made the instrument of procrastination and delay, where a tax was absolutely required for the exigency of the current year, so powerful in the hands of a minority, as to form a sufficient ground for preventing the reception of such petitions. But that argument did not apply in the present day. The inalienable right of the people to petition had been spoken of, and he greatly regretted to hear it that night praised in terms, while it was attacked in spirit. Precedents had been brought forward against the present proposition, but his right hon. Friend had shown, that by blindly following precedent, they would be adhering to a practice likely to produce a greater degree of public inconvenience than that which had induced their ancestors to restrict the right of the people to petition. Great complaints had been made of the motions for adjournment, and he alluded to this the more strongly, because in the motions before the recess, for the adjournment of debates on the Income-tax, he had voted with the right hon. Baronet; but if the right of the people to petition was to be restricted, and if constituencies were to be debarred from making their feelings known to that House through petitions, it would be necessary for hon. Members to protract debates to an indefinite length of time. [*Cheers.*] Let hon. Gentlemen hear the conclusion of his sentence before they cheered. It might be necessary to protract debates, not with the view which he utterly disclaimed of mere delay and procrastination, but simply because the only other legitimate avenue to that House had been shut against the people by an adherence to a practice which, however wise and necessary it might have been in its origin, was at the present time unwise, because unnecessary, and because it led to the greatest possible practical inconvenience to that House and to the country, by subjecting the House to repeated and protracted debates and successive motions for adjournment—a course which it was clear it was not to the interest of the country and the advancement of public business should be persisted in. In all sincerity, notwithstanding the cheers of the right hon. Baronet, he did deprecate such a course as he had described; he did deprecate these lengthy debates. He saw, from the adherence to the present practice, that consequences must arise which he deprecated and disliked. Not having heard the slightest reason advanced for the continuance of the practice, which appeared solely to rest upon precedents quoted in its favour, he should most cordially and cheerfully give his support to the motion of his hon. Friend.

Mr. *C. Buller* begged to remind the right hon. Baronet at the head of the Government that it was he himself, who had rendered the course of moving adjournments upon the Income-tax before Easter necessary and unavoidable by the course which he had adopted, of placing the House in a position that it could not receive petitions upon the question. He (Mr. Buller) had asked the Speaker if the rule against the receipt of petitions was absolute, and upon learning that it was, he had put it to the right hon. Baronet whether he would not postpone his motion for a committee of Ways and Means, that the country might have more than a week to express its opinion. The answer of the right hon. Gentleman was remarkable for its explicitness and brevity. The right hon. Baronet declined consenting to any delay, and he brought forward his resolution. In 1816, when the Opposition wanted to get a tax taken off, when there was a motion for its renewal—the objection was taken, that after the resolution for renewing it was once before the House no petition could be received. The Opposition of that day, however, insisted, and that great constitutional minister, Lord Castlereagh, showed that respect to the popular rights which ought to be imitated by the present Government, and he had the goodness to allow the question to be put off, and the consequence was that public feeling was expressed so strongly in petitions that the obnoxious tax was removed. On the present occasion a tax had been proposed, of which the public had been forewarned by no debate. The country had been completely taken by surprise. One week had been given to the people for consideration, and now the Government availed themselves of the rules of the House to prevent the voice of the country from being heard within its walls. He agreed with the right hon. Baronet in the general rule he had laid down, that hon. Members, when on one side of the House, should do that which they would do when on the other. It was a rule applicable to more questions than the present. It seemed, however, to him, that it was a contrast by no means discreditable to the late Government, to find that for the eleven years they had held office there had been no occasion for the people to petition against the imposition of any new tax. [*Dissent from the Treasury benches.*] He begged pardon. The occasion had arisen once, on the imposition of a per centage on the taxes; and then so little objection was felt to the tax that no one petitioned against it. The only argument in favour of the expediency of the present rule was that which had been advanced by the hon. Baronet the Member for Stamford, which, as far as he understood it, amounted to this, that the people ought not to be allowed to petition upon a subject upon which they felt so acutely as in this, because they would probably petition too much. The rule was an absurd one; it might have done very well in the olden time when the voice of the people was not heard in that House, but it was unbecoming a Reformed Parliament, and unbecoming them as representatives of the people. It was a rule which could only be upheld for the purpose of preventing the people being heard in the most peaceful, legal, and constitutional manner.

Mr. *Wallace* asked if they were not representatives of the people, and whether they were not component parts of the people? He thought the right hon. Baronet had never been heard to such disadvantage as in his speech of that night, for he had only referred to old usages and precedents. He claimed for the free constituencies of Scotland their undoubted right of petition; and he could tell those hon. Members who opposed his motion of the other night, that they were encroaching upon the privileges of the people. Members ought to have a right to state their opinions on the presentation of petitions. The right hon. Baronet was quite right in strictly adhering to the rule of the House which they were now debating, for if he had not, he would not have passed his Income-tax. The Table would have been loaded with petitions against it. They would have accumulated upon every return of post, and no minister would have been able to carry such a proposal, whatever might be his majority. He intended to renew his former motion next year.

Sir *John Hanmer* said, this was a matter which materially affected his constituents, and he wished to say a very few words. He should always be jealous of limiting the right of the people to petition. He could not say he had much respect for the Parliaments of William 3rd., for they were bribed, rotten, and corrupt. He should give his vote for the motion of the hon. Member, honestly and fearlessly, because, in so doing, he thought he should best discharge the duty he owed to the people who had sent him there as their representative.

Mr. *Wakley* said his constituents were nearly unanimous against the Income-tax, while they admitted there were advantages likely to arise from the other part of the financial scheme. The right hon. Baronet had made a very weak speech, and it was because he had not the semblance of a case. Was the right of petitioning a valuable and constitutional right or not? Hon. Gentlemen who voted against the motion of his hon. Colleague ought in honesty to follow it up by a motion that the right of petitioning was useless and ought to be discontinued; because, if the privilege was ever useful at all, it was when the question before the House was to take money from the pockets of the people. The right hon. Baronet had observed the strictest secrecy with regard to his plan, and having done so he ought now to give the people an opportunity of expressing their sentiments. The right hon. Gentleman's proposal affected every class, and yet but six or seven days were allowed to consider it, and no sooner was the resolution submitted than the doors of the House were closed against petitions. Nothing could be more unfair and unconstitutional. He trusted the right hon. Baronet would be in a minority, though he could not hope he would go out of the House alone.

The House divided—Ayes 136; Noes 167: Majority 31.

List of the AYES.

Ackers, J.
Aglionby, H. A.
Aldam, W.
Archbold, R.
Bannerman, A.
Baring, rt. hn. F. T.
Barnard, E. G.
Bernal, R.
Bernal, Capt.
Blackstone, W. S.
Blake, Sir V.
Blewitt, R. J.
Borthwick, P.
Bowring, Dr.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, hon. W.
Buller, E.
Burroughes, H. N.
Busfeild, W.
Byng, G.
Byng, rt. hn. G. S.
Cavendish, hn. G. H.
Christie, W. D.
Clay, Sir W.
Cobden, R.
Colebrooke, Sir T. E.
Collins, W.
Colvile, C. R.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Dalmeny, Lord
Dalrymple, Capt.
Denison, J. E.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
Dick, Q.
Divett, E.
Duncan, Visc.
Duncan, G.

Ebrington, Visct.
Ellice, rt. hon. E.
Elphinstone, H.
Ferguson, Col.
Fielden, J.
Ferrand, W. B.
Fitzroy, Lord C.
Fitzwilliam, hn. G.W.
Forster, M.
Gibson, T. M.
Gill, T.
Grattan, H.
Grey, rt. hn. Sir G.
Guest, Sir J.
Hall, Sir B.
Hanmer, Sir J.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Heathcoat, J.
Howard, hn. C. W. G.
Howard, Lord
Howard, hn. E. G. G.
Howick, Visct.
James, W.
Johnston, A.
Labouchere, rt. hn. H.
Lambton, H.
Langston, J. H.
Leader, J. T.
Lemon, Sir C.
Macaulay, rt. hn. T. B.
McTaggart, Sir J.
Mangles, R. D.
Marshall, W.
Martin, J.
Morris, D.
Morison, General
Murray, A.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, J.
O'Brien, W. S.
O'Connell, M. J.
Paget, Lord A.
Palmer, G.
Parker, J.
Pechell, Capt.
Philips, G. R.
Philips, M.
Pigot, rt. hon. D.
Pinney, W.
Ponsonby, hn. C. F. A. C
Powell, C.
Protheroe, E.
Pulsford, R.
Rawdon, Col.
Rennie, G.
Ricardo, J. L.
Rumbold, C. E.
Russell, Lord J.
Scholefield, J.
Sheil, rt. hon. R. L.
Sibthorp, Col.
Smith, J. A.
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. W. O.
Stanton, W. H.
Stewart, P. M.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Tufnell, H.
Tyrell, Sir J. T.
Villiers. hon. C.
Vivian, hon. Major
Vivian, hon. Capt.
Wakley, T.
Walker, R.
Wallace, R.
Ward, H. G.
Wason, R.
Wawn, J. T.
White, S.
Williams, W.
Wilshere, W.
Wood, B.
Wood, G. W.
Wrightson, W. B.
Yorke, H. R.

TELLERS.

Duncombe, T.
Buller, C.

List of the Noes.

Acland, T. D.
Acton, Col.
Adare, Visct.
Antrobus, E.
Arkwright, G.
Ashley, Lord
Astell, W.
Baillie, Col.
Balfour, J. M.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Beresford, Major
Botkin, W. H.
Botfield, B.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruce, C. L. C.
Buller, Sir J. Y.
Burrell, Sir C. M.
Campbell, A.
Chelsea, Visct.
Chetwode, Sir J.
Chute, W. L. W.
Clerk, Sir G.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Codrington, C. W.
Cole, hon. A. H.
Collett, W. R.
Courtenay, Visct.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. A.
Du Pre, C. G.
Eaton, R. J.
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Feilden, W.
Filmer, Sir E.
Fitzroy, Capt.
Fitzroy, hon. H.
Fleming, J. W.
Forbes, W.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W E,
Gordon, hon. Capt.
Gore M.
Gore, W. R. O.
Goring, C.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Hamilton, C. J. B.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardy, J.
Hawkes, T.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Houldsworth, T.
Holmes, hon. W. A'ct.
Hope, hon. C.
Hughes, W. B.
Ingestrie, Visct.
Jermyn, Earl
Johnson, W. G.
Johnstone, H.
Jones, Capt.
Kelburne, Visct.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Lawson, A.
Liddell, hon. H. T.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Lygon, hon. General
Mackenzie, W. F.
Maclean, D.
Mc Geachy, F. A.
Mainwaring, T.
Manners, Lord J.
Marsham, Visct.
Martyn, C. C.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Milnes, R. M.
Morgan, O.
Neeld, J.
Newry, Visct.
Norreys, Lord
O'Brien, A. S.
Packe, C. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pigot, Sir R.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Praed, W. T.
Price, R.
Pringle, A.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rose, rt. hon. Sir G.
Round, C. G.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sandon, Visct.
Scarlett, hon. R. C.
Seymour, Sir H. B.
Sheppard, T.
Somerset, Lord G.
Somerton, Visct.
Sotherton, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. M. M.
Tennent, J. E.
Thompson, Mr. Ald
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Wilbraham, hn. R. B.
Wood, Col.
Wood, Col. T.
Wortley, hn. J. S.

	TELLERS.
Wyndham, Col.	
Young, J.	Fremantle, Sir T.
Young, Sir W.	Baring, H.

CORN IMPORTATION — REGULATION OF WAGES.] On the motion that the Corn Importation Bill be read a third time,

Mr. *Cobden* rose to move the amendment of which he had given notice. Previous to the year 1823, it had been the practice of Parliament for several centuries to pass measures to regulate the price of labour in the same way as it had passed measures to regulate the price of food. But in the year 1823, the last vestige of its legislation for the regulation of the price of labour disappeared in the repeal of the Spitalfields Weavers Act. Previously to that period, and subsequent also to the passing of the Corn-laws, the labouring classes of the community had petitioned Parliament again and again, praying it to adopt some measure for the regulation of the prices of labour. In 1828 Mr. Alderman Waithman presented a petition from the weavers of Norwich, and founded a resolution upon it, praying the House to fix a minimum rate of wages. The worthy alderman's resolution was rejected as utterly inconsistent with sound principle. Yet in that very year the House passed the present Corn-law. In 1835 Mr. Maxwell brought forward a motion for the regulation of wages. That motion was treated in the most supercilious manner; the House declaring, that it was quite impossible to accede to such a proposition. Again, in 1837, the hon. Member for Oldham brought forward a similar motion, which met with the same fate as that of Mr. Maxwell. In 1809 a committee of the House, to whom a petition from the journeymen cotton printers was referred, declared in their report that they were unanimously of opinion that the proposition stated in the petition, relative to the fixing a minimum for the price of labour in factories, was wholly inadmissible in principle, and incapable of being reduced into practice by any means that could be devised, and, if practicable, would be productive of most fatal consequences. These instances were sufficient to show the way in which the House had treated the repeated application of the labouring classes for protection in the price of their labour during a period that it had steadfastly adhered to a system which gave to another class of the community an absolute monopoly in the supply, and, as a necessary consequence, an absolute control over the price of food. He might probably be met by some vague declaration that Parliament, in legislating upon the article of food, did, in fact, in an indirect manner, regulate the price of labour, because, if the price of corn rose, the price of labour would rise in the same proportion. This fallacy had been too often exposed to need a word of comment now. When the Corn-laws were passed it was never stated that one of the objects of them was to regulate the price of labour; and if such an object had ever been contemplated, subsequent experience proved, that it had never been realised. He had in his hand a list of the prices of various articles of manufacture before machinery came into operation, which clearly established that the effect of a high price of food was not to maintain the price of labour. The House had frequently declared that they could give no protection to the wages of the labourer, but they were now about to give a third reading to a bill which was to give a fictitious price to corn, and so, as far as possible, regulate and keep at a high rate the price of his food. They said to the poor Hinckley frame work knitter,' We cannot regulate the remuneration to be given for your labour:" but, when he said " Your wheat is too high, I cannot purchase of you because I can get as good at Hamburgh for 40s.," then the landowner stepped in and said, " Oh, no! we have a law which says you must give us a certain price for our wheat before you can go to Hamburgh or any other place for it." He confessed that although the right hon. Baronet's (Sir R. Peel's) measure had up to that time been carried with a high hand, he could not bring his mind to believe that the House was really going to pass it. He did not object to it simply on the ground that it was a tax upon the people. He objected to it upon another ground. The right hon. Baronet had avowed that the object of his measure was to keep up an artificial rate in the price of corn. Had the right hon. Baronet brought forward a proposition for a fixed duty upon the importation of foreign corn, he should have opposed it in the same way as he last year opposed the proposition of the noble Lord the Member for London (Lord J. Russell). He should have opposed it as a tax upon the food of the people. But the right hon. Baronet did a great deal more. The right hon. Baronet by the measure now before the House was violating the very principle for which he contended, namely, that in the legislation of Parliament the labouring man should be placed on a fair level with the peer and the landed proprietor. He was told, that Parliament could not regulate the price of labour, and yet a measure was brought forward and carried to its very last stage, the avowed object of which was to keep up to an artificial rate the price of food. In passing a measure of this nature, which, under all circumstances, was to give an artificial price to food—denying, at the same time, that the Legislature had any power to give an artificial price to the wages of labour—the House would be violating every principle of justice; and, as he had already stated, he could not bring his mind to believe that the House would assent to such a course. Mark the effect of the system, supposing the right hon. Baronet's measures to be carried. What would be the position of the manufacturing labourer? Articles of foreign manufacture were to be admitted at a lower rate of duty. Prices would be reduced—the rate of wages diminished. Where was the protection to the manufacturing labourer? He was told that the Legislature could not assist him; that he must grapple with the difficulty, and carry on a competition with his foreign rivals without aid or help. What, on the other hand, was the position of the agriculturists? Whatever his ignorance, idleness, or sloth, whatever his negligence, indiscretion, or extravagance, the Legislature assured him that no foreign competitor should be admitted into the same field with him until the produce of his labour had attained a certain price. His wheat, good, bad, or indifferent, was to be protected until it reached the price of 54*s*. This appeared to him to be the double violation of every principle of justice which characterised the proposition of the right hon. Baronet. If hon. Gentlemen gave to the landlords a certain regulated price of corn, would they not also give to the consumers, to the great mass of manufacturing labourers a certain regulated price of labour? Were they to toil and spin, invent and contrive—and should all their toil, and all their invention, only give them so much more or so much less of the sluggard's corn? Were the landlords still to feed the people upon the landlord's own terms? Were they to have their parks and domains wide spread out—were they to have their herds of deer, their studs of horses, and their kennels of hounds, and yet were the people only to be allowed to live upon the modicum of food which these lords of the soil chose to deal out to them. He would tell the House that this doctrine was revolutionary. He told them that it had awakened views and opinions in the minds of many men in the country who, a few years ago, would have been shocked at the entertainment of such ideas. They were questioning the title of the present possessors of the land; they were denying the right of the privileged classes to their rank and wealth. And why did they do this? Because the landlords were not content with their estates, but, to sustain their position and increase their wealth, made an inroad into the humble cottage of the spinner, and filched the earnings of the depressed and desolate weaver. He believed that this principle of legislation, if carried out, would lead to very important changes in this country. He believed that this law would not be allowed to remain. But if it did remain, it would produce a change which many of those who had taken part in the agitation of the question never contemplated when they set the ball in motion. Even the slightest modicum of justice was refused to the labouring classes. A trade in corn was denied—absolutely denied; for the whole of the foreign supply, whatever it might be, was placed, not in the hands of the general merchant, who would deal honestly and fairly, but in the hands of a few gamblers and speculators. All the sympathies of the Gentlemen opposite were with that class of dealers; and the earnest prayers of millions of petitioners had been treated with less respect than the significant whisperings of half a dozen jobbers. Let hon. Gentlemen who had some stake in the country beware of the consequence of this state of things. Already it had been destructive of capital to an extent unparalleled. He did not hesitate to declare, deliberately and advisedly, that, within the last five or six years, there had been a sacrifice of one-half of the vested capital in Lancashire. He would ask any Gentleman acquainted with that district of the country, if at the present moment, it would be possible to realise, upon the fixed capital of Lancashire, half what it was worth six years ago.

How was this? Did it arise from a few failures here or there, or from a temporary depression of trade? No; it followed from the gradual but general decay of trade—from the decline of profits, which had been eating into the floating capital, at the same time that it had eaten up half the fixed capital of that quarter of the country. He spoke only of Lancashire. Other Gentlemen, he believed, might tell the same tale with respect to other districts. Carry on the same system of legislation—continue the sliding-scale, and a state of things would arise for which few probably in that House were at all prepared. The hon. Gentleman concluded by moving the following amendment:—

"That inasmuch as this House has repeatedly declared, by its votes and the reports of its committees, that it is beyond the power of Parliament to regulate the wages of labour in this country, it is inexpedient and unjust to pass a law to regulate, with a view to raise unnaturally, the prices of food."

Question put that the words "The bill be now read a third time," stand part of the question.

Sir *Robert Peel* assured the hon. Gentleman (Mr. Cobden) that he had listened to him, upon that occasion, as upon all others, with great attention, and though he differed from him in the conclusions which he drew, he could not impute to him any unfairness in the manner of advancing his views. He hoped, however, after the lengthened discussion which this question had already undergone, that the hon. Gentleman would not think him guilty of disrespect if he abstained from entering at large upon a topic which would necessarily have the effect of opening the whole subject of the Corn-laws again. The hon. Gentleman's argument went to this, that there ought to be no duty whatever upon the importation of foreign corn, that the whole of the duty ought to be abolished, and that corn, under all circumstances, should be admitted duty free. That was plainly the hon. Gentleman's object, because the terms of his resolution applied as strongly against the principle of a fixed duty, as against the principle of a sliding-scale. No Gentleman, therefore, who thought that a fixed duty was necessary for the protection of our domestic agriculture, would be at liberty to vote in favour of this amendment. It appeared to him that the proposed law would have the effect of facilitating the importation of foreign corn, and of contributing to regulate its price. At any rate, by taking away the sudden fluctuations in the amount of duty, it would diminish the chances of great gains being made by mere speculators and gamblers in corn. The hon. Gentleman, therefore, could not justly charge him with showing any disposition to conciliate the interest of those —parties with whom he had no concern, whose politicial opinions he knew nothing of, and by the promotion of whose interests he could not gain any advantage. The question had been so fully debated on previous occasions, that he was sure the House would excuse him for not going farther into the subject on the present occasion. He had proposed a modification of the law—a modification which he believed a beneficial one, and which, he trusted, was now about to receive the sanction of the House. He hoped that the hon. Gentleman would not consider it disrespectful to himself, nor the House to them, if, referring to the statements which he made when the general question was before the House, he now stated that he did not consider it necessary to enter into any lengthened discussion in regard to the particular proposal of the hon. Gentleman.

Lord *John Russell* said, that he did not rise for the purpose of supporting the motion of the hon. Gentleman, which seemed to him to be as inconsistent with a proposal for a fixed duty as it was with a sliding scale, he merely rose for the purpose of opposing the third reading of this bill. The object he had in view was to obtain a fixed duty of 8*s.*; and, in committee it was competent for him to propose a reduction of the high duty of 20*s.*, but when they came to the high price of 66*s.*, it was impossible for him, according to the forms of the House, to propose that duty. It was, therefore, useless for him to propose any alteration in the bill; neither after the opinion which the House had expressed on the second reading, should he wish to take the sense of the House on the third reading. But in allowing the third reading to pass, he wished shortly to state his opinion of the bill now proposed. He thought that they had had experience enough, since 1828, of the evils of a sliding scale. Instead of the ports being opened to the importation of foreign grain in seasons when it was required, they had seen how, by means of combination, the markets had been kept without a supply from abroad, until the prices rose very high, and then a large amount of corn was brought in, injuring the consumer by an artificial rise in the price, and the farmer by a large influx of corn with a small duty. Accordingly he had proposed a scheme which he thought better suited to the circumstances of the country. By that scheme they would have obtained a regular trade in corn, and that regular trade would benefit the agriculturist as much as the consumer—they would have had a trade, by which at all times the merchant could feel certain of a home market, and could calculate, not perhaps to a certainty, but at all events to a probability, the price which he would receive. If a merchant, under the proposed scale, despatched an order for corn to America, when the price was 62*s*., and if the price should fall to 54*s*. before the importation took place, he would, under the new scale, sustain a loss of 16*s*., namely, 8*s*. of price and 8*s*. of duty; while under the system of the fixed duty proposed by the late Government, his loss would only amount to 8*s*. on the price. It appeared to him, therefore, that the sliding-scale would still continue a system of gambling inconsistent with all notions of what constitutes regular commerce; and this seemed to him a decisive objection against the bill now before the House, as well as against the system at present in existence. He admitted, that the present bill was an improvement when contrasted with the existing law; but when compared with the laws which were in operation from the time of the Revolution in 1688 down to 1800, it was much worse than any corn-law during that period. During that time they had a duty not exceeding 8*s*. a quarter, until the price got very high. He did not think the law of 1828 at all suited either to the then circumstances of the country, or to the improved knowledge in matters of trade of the present time. Nor was that measure good in itself, nor at all to be compared with the law of their ancestors, who were in favour of protecting all manufactures, and, among other commodities, that of corn. The present bill was not, in his opinion, suited to the circumstances of the country, and he had never heard any one assert that, in passing it, they were laying the foundation for any thing like a real or permanent settlement of the question. All that it did was to take away the most obvious deformities of the present law, and by so doing to shake the authority of the present by not establishing a measure which had any chance of being considered as a real settlement. Whenever they were called on to make an alteration in the duties on French silks and brandies, he felt very sure that they would have again to alter this Corn-law. That time, in all probability, would soon come; and so far he rejoiced in the passing of this bill, because it would entirely shake the authority of the present law. He looked forward, in the hope of seeing, very soon after the passing of this bill, the plan of a graduated scale altogether done away with, and a fixed duty established. He was not one of those who thought, with the hon. Member for Stockport, that there should be no duty at all. On the contrary, he thought the farmer entitled to a moderate protection, but not with the extravagant view of making this country independent of foreign supply. The law of 1828, which in its essential parts was now proposed to be continued, was, in his opinion, a most faulty mode of giving that protection, and he hoped that the time was not far distant when they would be able to establish a Corn-law founded on those sound principles of trade which regulated other commodities, and which, in reference to those other commodities, the House had adopted by large majorities.

Mr. *Villiers* said, that if his noble Friend hoped to conciliate his agricultural Friends by his admission of their title to moderate protection, he thought he would fail, and that they would tell him that if he really wished to protect them, he must leave them alone, and not as he had just very properly done, denounce the measure with which they had really so much reason to be satisfied. He, however, was glad to hear that the country would have the aid of his noble Friend's energy in seeking to repeal the imperfect measure now before the House, as that might lead to a system more consistent with the views contained in the motion of his hon. Friend the Member for Stockport, and against which no argument had yet been advanced. The right hon. Baronet had disputed the right of his hon. Friend to quote Mr. Huskisson as an authority against his bill, and had referred to two periods in Mr. Huskisson's life, in 1822 and 1828, when he approved of a graduated scale; but, as the right hon. Gentleman had stated, and truly, that this country had not the misfortune of losing Mr. Huskisson till 1830, he might have remembered that in that year Mr. Huskisson made his last speech; and if the right hon. Baronet would refer to it, he would find, that a speech more appropriate for his hon. Friend to quote could not be found, for it is there that Mr. Huskisson takes his last and deliberate view of the state of the country, and concludes earnestly and confidently that the existing system of protection and taxation could not continue. He there refers to the Corn-laws, and declares, that whatever public grounds there might be for their support, yet they certainly had the effect of raising the price of subsistence to the people, and thereby, together with our system of collecting revenue by taxing expenditure, pressed upon the productive classes in a manner that could not much longer be borne. He said, that the Corn-laws and other taxes had then the tendency of lowering profits and reducing wages, while it increased the fortune of the unproductive consumer. It was in that speech that Mr. Huskisson pointed to the condition which we were then in, and declared, that unless the taxes were shifted, or the protective system altered, that we could not collect the revenue. What my hon. Friend contends for is, that you cannot justly raise the price of food without raising the wages of labour; and if you abandon the intention of doing the latter, you ought not to attempt the former; and most surely that you ought not to raise the price of food by means that, of necessity, causes the fall in the rate of wages, for that is the effect of the Corn-law on the condition of the people at present; they have been and are suffering from a high price of food, and from a serious fall in wages, and after, as my hon. Friend has said, you have frequently refused to entertain the most distant notion of legislating for the rise of wages. The consequence of the present bill will be, to continue that system, and he could not let it pass without expressing his unqualified condemnation of it. It seemed to him wholly unsuited to the exigency which rendered any change necessary. It was not recommended by any experience which the agriculturist had of the old law—it was not recommended by the experience on which the community complained of it. He believed that it would satisfy nobody, that it would relieve nobody, and it was his firm conviction that there was not one evil which could be traced to the old law during the last five years, that would not have followed under the present had it existed. It had the same faulty purpose in view, and the same mischievous principle to give it effect. The same absurd fancy, or intended object was maintained, of making us dependent for food upon our own soil, after it had been proved, that we could not produce an adequate supply, and that our population was hourly increasing. While with this scale of duties, varying with circumstances, which it was said fraudulent persons could control, causing uncertainty, which baffled all the calculations of growers or merchants either in Poland or America, who might otherwise supply us. This, then, would lead to all the results which had been experienced before—they would be obliged to buy suddenly, at high prices, in near markets, and which would be attended with all the consequences of an export of bullion, a consequent rise in the value of money at home, a depreciation of goods, and all that embarrassment and depression which we were experiencing, and which of necessity must occur; and when he reflected upon the misery, sacrifice, and ruin which this had brought upon the productive classes of this country, and when he believed that no intelligent man, unbiassed by interest, doubted the connection of these laws with these results, he could hardly repress his indignation at such an abortion of a measure as this being produced to meet such a state of things as existed in the country; and he thought that it deserved to be styled, as it had been when first delivered, and since in so many petitions, as a mere mockery of the sufferings of the people. He knew it was said by some on his side that it was an improvement, and that more food would come in; but they ought to do more than say this to satisfy him, they ought to show that more food would be produced, for unless that was done, the people here would not be benefitted, for their condition was now, that they had to exchange their labour against a constantly diminishing quantity of food. Now, with this law, did anybody believe that one grain more would be grown for this market, or any expense incurred in facilitating the conveyance of it to this country. If no more food was grown for this country, if there was more to be introduced, it would be the food grown for other people, and the price would rise abroad, and if that was the case, how could it come at the duty which it was intended to levy. He heard it stated, that the right hon. Baronet was as much alive as any man to the evils of the law, but that he had proposed all that he could carry, and that he was helpless in the matter—that his party would not allow him to do more. But really he had never heard any of those hon. Gentlemen who sit around him say this: as far as they were concerned, they seemed disposed to go wherever the right hon. Baronet would lead them, and the House had no reason to believe, that if he had submitted a more efficient measure, that it would not have been supported by his Friends. They seemed, indeed, to be a peculiarly docile party, and made fewer difficulties in changing their views than most men. They had never said a word in that House against the hon. Baronet's liberal views, and he doubted not, that they entirely coincided with them. If, however, it is true they would obstruct him in pursuing a more enlarged policy, why let the right hon. Baronet, if he is convinced that he is right, and that the country requires a different measure—let him throw himself upon the country, and let him depend upon the popular party for support. If he did that, who could supersede him? Most cordially would he receive the support of every Liberal on that side, and he would thus render great service to his country. But if his Friends were unreasonable, what could they do without him? Could the Members for Essex, or Lincoln, or Berkshire, form a Government of their own? or could any man replace him on his own side if he threw up the Government. What reason was there then, for this imperfect measure that he offers us? There was only one justification that he could think of, which was, that the constituency of this country, entrusted with the important privilege of returning Members to this House to legislate for the community at large preferred to return men to serve their own interests, and if this is the case, it is a most important matter for the community to consider; for that certainly was not the purpose for which the franchise was confided to them. But if these surmises are incorrect, can such legislation be justified on any national or public ground? There is but one, and to that the right hon. Baronet usually resorts,—namely, that it is to escape dependence on foreign soils, and to become dependent on our own. But what answer, he asked, was that to those who, being dependent upon our own soil, are left without food? They have depended upon you to provide them with food, and what state has this country been in for four years past? What is the good of telling people, that in time of war they might not be able to get food from abroad, when they find themselves by this self-dependence deprived of food in time of peace? The great mass of the people have either to depend upon the landowners of this country or those of the continent to supply them adequately with food—they have found their own lands do not produce enough, and they ask to be allowed to seek it elsewhere. This bill, then, offered an impediment to this natural claim of the people—a restriction unwise at all times, and peculiarly unjust and cruel at this time—and heartily concurring in the principle of his hon. Friend's amendment, he should cordially oppose the bill before the House; and he sincerely hoped, that if it did pass into law, that the people who had sought to abolish the old law would consider that it remained unimproved, and would as zealously seek its repeal as before.

Sir *J. Tyrrell* said, that his object in rising was to answer the accusations made, both in and out of the House, against the Members representing the agricultural interest, in reference to their conduct in supporting the measure proposed by Government. They had been accused of sacrificing the interests of the agriculturists at the shrine of political principle. [" *Hear, hear, and laughter.*"] He understood that cheer, but it did not affect him, because he had appeared before his constituents who had approved of his conduct in reference to the question under discussion. Three-fourths of his constituents, by a show of hands declared in his favour; only one individual held up his hand on the other side, and he had called on him to explain himself. He had no hesitation in saying that he agreed on one point with an hon. Gentleman who was once the greatest ornament of the Radical Bench—the late Member for Southwark (Mr. Harvey). That gentleman rejoiced that the Conservative party were in power. Why? Because he believed the Whigs would then concede what they would never have granted in office. That was the reason why he gave his vote against his conscientious conviction. It was all very well to say, " Turn out the right hon. Baronet at the head of the Government, but he wished to know, if they should do so, who the persons were that would be likely to succeed him? In regard to the tariff, he admitted that an universal panic had seized the agriculturists in reference to it. He knew that the right hon. Baronet had got unanswerable arguments on those parts of the tariff which were thought to be the greatest grievance. The other night the right hon. Baronet almost obstructed the order of the proceedings in the House for the purpose of presenting a petition from Ireland which he thought greatly tended to support those views upon the tariff which the right hon. Baronet had put before the country. Before the right hon. Baronet ended his observations in presenting the petition, they so coincided with the views of hon. Gentlemen on the Opposition Benches, that they absolutely drowned the closing remarks of the right hon. Baronet with their cheers of approbation. This excited his curiosity, and he read the last few lines, or what was vulgarly called the prayer of the petition, and it was to this effect, protection to all classes of the community. In that principle he himself entirely coincided; and, taking that view of the case, he confessed, he was surprised, at witnessing the great approbation which the right hon. Baronet received from hon. Members opposite on that occasion. He did not join in the opinions entertained by the noble Lord (Lord Palmerston) the late Secretary for Foreign Affairs, who looked forward to the advantage, by an alteration of the tariff, of enjoying a buffalo steak, instead of a beef steak, in the torrid zone. He might be told that he was afraid a buffalo's rump would supersede a round of beef. [" *laughter*."] Hon. Gentlemen might ridicule his fears; but this he would say, to those who threatened the county Members with being called to an account at the hustings for having sacrificed the interest of the agriculturists in supporting the Corn-bill, that they were mistaken. Whatever ridicule he and his friends might expose themselves to, and whatever motives might be imputed to them—however they might be taunted that this bill would not be a final measure, and the noble Lord (Lord J. Russell) had said that the right hon. Baronet was only paltering with the subject, he was prepared on his own part, and on the part of a great majority of the county he represented, to say, if the figures of the right hon. Baronet should not be that protection which he had told them would be sufficient, but which they thought would not be sufficient, and if they should wade through that distress which the agriculturists apprehended, then that the agriculturists and those who represented them would come forward and declare that this Corn-bill should not be a final measure. [*Cheers from the Opposition.*] He had no objection to those cheers. On the one hand, the Gentlemen opposite said that he and those who agreed with him, must go on making concessions; they hailed the tariff and the Corn-bill as measures that cut the ground from under the feet of the agriculturists. The Friends of the noble Lord (Lord J. Russell) had said, that the noble Lord made the greatest mistake that ever a great statesman made in butting his head against the wheatsheaf. The noble Lord had had time for reflection since then, and the proposition which he now held out to the agricultural interest was, that he was prepared to restore all those old taxes which had been repealed since the war. If her Majesty should be pleased to send for the noble Lord in the event of "our" turning out the right hon. Baronet, he had no doubt that the noble Lord's sagacity—notwithstanding the noble Lord had stated, when proportioning the constituencies under the Reform Bill, that it was his intention to give a preponderance to the agricultural interest—would direct him again to his favourite Corn-bill. He was quite aware that the arrangement of the constituency by the noble Lord was the rock on which the noble Lord split; but he remembered hearing the noble Lord declare that it was his intention to give a preponderance to the agricultural interest. The noble Lord shook his head; but he was perfectly aware, that the noble Lord did not intend to give so great a preponderance to that interest. And although he and other hon. Members on the Ministerial side of the House might be accused of being as dull as the animal that browsed on the thistle, still their simplicity was not so great as to agree to the noble Lord being restored to power. It was said in the East, that when they crossed the desert they put a donkey in the front, [*Laughter.*] for the purpose of regulating the pace. The donkey was the regulator. There were Gentlemen on both sides of the House who had been in India, and who had crossed the desert; they could give some more particular information upon the subject, and would, no doubt confirm his views. The right hon. Gentleman, the late Chancellor of the Exchequer, had in his budget proposed an alteration of the duty on the animals to which he had just been referring. He did not mean to compare the right hon. Gentleman to a donkey; but this he did say, that his proposition to relieve the financial difficulties of the country was utterly unworthy of a great Statesman. Although the House might have derived some mirth from the manner in which he had stated his sentiments, still the subject was one of so grave a character, and those whose properties they were dealing with in such a state of trepidation and alarm, that he confessed, although he was about to support the measure of the right hon. Baronet, he did so solely because he considered, under all the circumstances, he was acting the best for the interests of agriculture, and because he could not see how he could better himself by taking the chance of any measure that might be proposed by the noble Lord and his party opposite. Although the noble Lord might flatter himself, that by a combination of miscellaneous party, formed out of those who were opposed to a Corn-law and an Income-tax, he might regain an ascendency, yet he could assure the noble Lord, that whenever the time should arrive for him to make an appeal to the country, such would be the effect of the opinions which the noble Lord entertained respecting the Corn-law on the minds of the community, that instead of gaining strength, he would find himself reduced to a very considerably smaller minority.

Mr. *Ward* would not attempt to follow his hon. Friend who had just sat down in his attempt to reconcile his intended conduct with his professed principles. In one of the arguments of his hon. Friend, he alluded to the Chancellor of the Exchequer, but he did not say whether it was to the present or to the late Chancellor of the Exchequer that he referred. He did not understand how the parallel which his hon. Friend had attempted to draw between putting a certain dull animal in advance in the East and the budget of a Chancellor of the Exchequer—whether the present or the late one—applied. The donkey still remained unappropriated. He did not exactly see the parity of the two cases, and, therefore, leaving that part of his hon. Friend's speech, he would turn to that which bore more immediately upon the subject before the House, and consider what his hon. Friend had advanced in defence and support of his own consistency in voting for this bill. He had stated very fairly that the charge which had been brought against him by his constituents—and it was a charge not brought against him only, but against all those County Members who were acting with him—was the gross inconsistency of supporting a measure which they admitted they would have scouted if it had originated with the noble Lord near him (Lord John Russell), instead of with the right hon. Baronet whom they so willingly followed. [*Cheers.*] He was happy to hear that those hon. Gentlemen acquiesced in that reason. They looked to men and not to principle. They had no principle. They had no principle whatsoever. He might go through the whole series of hustings speeches made at the last election, and through every appeal made to the agricultural constituencies in the kingdom by every individual who sat on the Ministerial side of the House, and he would defy any one of them to show him any one sentence, emanating from any one of those Gentlemen, which held out the slightest indication of an acquiescence in the very measure they were now supporting. Let hon. Gentlemen contradict it if they could. He would challenge every one of them. The noble Lord the Member for North Lancashire (Lord Stanley) in his speech at Lancaster ridiculed the very idea of dealing with the Corn-laws: so did all the hon. Gentlemen opposite, down from the first Bench to the second, the third, and the fourth; not one of them held out the slightest prospect that they would ever acquiesce in such a change in the Corn-laws as they were now prepared to support. Every man on that (the Ministerial) side of the House denounced the then existing Government as the bitterest enemy of the agriculturists, because it had ventured to propose an alteration in the Corn-laws, absolutely indispensable under the circumstances of the country, whereas now he had the pleasure of hearing several of the constituents of the hon. Baronet the Member for Essex (Sir John Tyrrell) tell him within the last week that they would sooner have had an 8s. Fixed duty than the present sliding-scale, with the tariff, and the Income-tax on the top of it. That was the position in which the representatives of the agricultural constituencies, with a single exception, the noble Lord the Member for North Lincolnshire (Lord Worsley), to whose consistency honourable testimony had been borne that evening, stood in the House of Commons. The hon. Member for Essex himelf admitted, that consistency was a very pleasant thing, and regretted that it was a pleasure which he could not indulge in But what did his inconsistency, and that of those near him suggest? It suggested the reflection that they and the party whom they supported had come into power under false pretences. His hon. Friend (Sir J. Tyrrell) had talked of the noble Lord (Lord John Russell) butting his head against the wheatsheaf. What was the right hon. Baronet (Sir Robert Peel) doing now? What, if those hon. Gentlemen opposite dared to speak out their sentiments, was the language they would use respecting this very measure they were going to support? Take the hon. Member for Essex, for instance, what was the justification he put forth at the meeting at Chelmsford? The hon. Member said, that all his leaders had deserted him; that one noble Duke had lost his confidence because he had accepted a seat in the Cabinet, and was never worth any thing afterwards. That was the Duke of Buckingham. Another noble Duke (the Duke of Richmond) had met him (Sir J. Tyrrell) in the lobby of the House, and observed to him that, although he disliked the Corn-law exceedingly, yet the noble Duke would recommend him (Sir John Tyrrell) to take it. That was the account which the hon. Baronet gave of his leaders, and he said of himself that, being an humble individual—for the hon. Baronet did not profess to put himself in the front rank, even upon the eastern principle—that being an humble individual, he was unable to find leaders in whom he could place confidence. These two noble Dukes had abandoned the agriculturists altogether. The right hon. Baronet the Member for Dorchester (Sir James Graham) was disqualified for replacing them, for he was unhappily identified with this ill-starred and fatal bill. The noble Lord the Member for Lancashire (Lord Stanley) was in the same painful condition. The hon. Baronet (Sir John Tyrrell) and the hon. Gentlemen on the Ministerial side of the House were, therefore, compelled to support this odious and most indefensible measure as they regarded it, upon the principle of not falling out of the frying-pan into the fire. That was the principle upon which this law would be passed. It took away all idea of stability from the law. The hon. Baronet had himself disclaimed all idea of finality. The right hon. Baronet the Member for Dorchester did the same. Those who sat on the Opposition side of the House did the same thing, but upon a very different principle. It was said that this measure was to be a settlement of the question. There never was so paltry or contemptible an attempt! It was perfectly absurd to talk of its being a settlement. Nobody assented to it. Nobody dreamt of its being anything of the kind. It was only the beginning of a series of agitations, and party conflicts upon a question, which ought to be settled, because of the vast pecuniary interests which it involved, — conflicts upon a question which, it was his conviction, might have been, and would have been, settled by the late Government, if hon. Members on the Ministerial benches had not thrown overboard, for party purposes, the measure proposed to them. The right hon. Baronet, on the other hand, had settled nothing and disturbed everything. The arrangement proposed was equally unsatisfactory to those, whose peculiar interests hon. Members on the Ministerial side professed to represent, and to those who sat on his (Mr. Ward's) side of the House. The agricultural Members indeed supported it, but at no distant period they would find it a difficult matter to reconcile their professions to their constituents with their conduct in that House. They no doubt hoped to find support elsewhere, but if wise, they would trust to time for making their peace, and not put forward any pretentions to consistency. The speech of his hon. Friend (Sir John Tyrrell) was the best proof of the danger of such an experiment. He could not succeed in that House as he had in Essex; he could not throw dust in their eyes as he did in the eyes of those who held up their hands in his favour at Chelmsford. Trading upon the panic fears of his constituents, his hon. Friend succeeded in getting a reluctant vote in favour of his conduct, by threatening the farmers with the ghost of the late Ministry. But here, in the House of Commons, they knew how matters stood. They knew that principle had very little to do with the matter: that Gentlemen who supported the Government looked to the success of their party, and to very little besides; and that though they came into power professing one set of principles, they were quite ready to carry out another set of principles, which had been forced upon them by the influence of those, whom they were most hostile to. He (Mr. Ward) was perfectly satisfied with this state of things. In the course hon. Gentlemen on the Ministerial side were now pursuing, he saw public opinion going on steadily. Even his hon. Friend (Sir John Tyrrell) was reluctantly yielding to its influence. He never expected to be reduced to the humiliating necessity of justifying a vote in favour of a modification of the Corn-law. The stone had been set rolling. He had admitted the principle, that the protected interests were no longer to form that sacred alliance which they maintained all last Session. He felt that he must concede something to other interests. He had admitted, that great concessions must be made as the price for the possession of power in this country. Now he was very glad at all this. These concessions never would have been made to the Whig party. They were made by hon. Gentlemen opposite to their own Tory party, as the condition of their maintaining power. This power they certainly would maintain, but at a very considerable sacrifice of character. [*Cries of* " No, no."] Yes! at a very considerable sacrifice of character for consistency; because every body must recollect the language which was used by that party in the House of Commons last year. Then all the protecting interests joined hands, and formed a mighty phalanx. The monopolists in corn said, we must support the monopolists in sugar, and the monopolists in timber, and every other kind of monopoly, down to the most insignificant, or we never can hope to stand ourselves. There was something intelligible in this. The monopolists put the advocates of free-trade down. They had everything their own way at the election; they returned such a majority as had seldom been seen in that House before. But now what did they do? Did they attempt to carry out any one principle they before professed? Did they ground upon this their claim to public confidence? No; they stood upon the individual character of their leader, and he stood upon a perfect abnegation of all those principles on which they professed that he was to take office. He (Mr. Ward) was well content with that bargain, because he saw his own principles, by means of it, gaining the upper hand in a modified way. And now that (the Ministerial party) had abandoned their principle of monopoly, they never would be allowed to re-assert it. They could not do it. They were pledged upon the Tariff. Their own leader stood pledged as an honourable man to abide by its principle, and to make no considerable alterations even in its details. They might petition, they might hold out *in terrorem* the noble Lord (Lord J. Russell) as a reason, or as a palliation, for giving their support to the present Ministry, but the hon. Gentlemen, who now gave that support, must go on, or public opinion would desert them, and then they would have nothing to stand upon at all, for they were already totally destitute of any principle of their own. They could not resume the ground they occupied last year, for they had no one principle left, of all those, which they then put forward. [*Great cries of* " No, no."] Well, if they had a principle, let them state it. It ought to be carefully preserved as a precious relic, for never had public professions been more flagrantly violated in the whole history of party contests in this country, than they had by the conduct of those hon. Members who were now forming the majority of the right hon. Baronet. As to the bill before the House, he did not care whether he voted for it at all. He was not answerable for it. He did not approve of it, though he thought it was some improvement upon the existing system. He was not afraid of the consequences, even of a free-trade in corn, to those cold clays and bad soils which pure patriotism alone had no doubt induced the hon. Baronet (Sir John Tyrrell) to bring into cultivation, though some might suspect that the cultivation of such bad land had been caused by the false, and delusive hopes held out to the landowners by the old Corn-law. It was obvious, that those bad lands must at some time go out of wheat cultivation, under a state of things to which they were now happily advancing. He did not believe, that the present bill would be a permanent settlement of the question, yet he thought it would do some good. He hoped, that the anticipations entertained by the leader of the party opposite would be realised. He was, however, far from believing anything of the kind. It might have the effect of letting a little more corn come into this country, but, if he voted for it at all, he should only do so to mark his dissent from the doctrines of the agriculturists, and in resistance to the opinions which they still professed to entertain. The right hon. Baronet (Sir

Robert Peel) was dreaded by his very supporters as being a free trader in his heart. His principles were suspected by them, and the only reason why they gave support to measures, which they themselves detested, was, because they feared that there might be something still worse behind. They might fall into the hands of the noble Lord (Lord John Russell). There might be an 8*s*., or even a 5*s*. duty, nobody could tell. And when they met to talk at county meetings in Essex upon this unfortunate bill to those, whom they had misled, and were now abandoning, it was convenient to have this bugbear about their dread of their leader going out of office, and others coming in, to allege, in order to reconcile the people to their conduct. He was quite sure that nothing else could.

Mr. *Darby* said, that when the hon. Gentleman said, that the agricultural Members had deceived their constituents he begged to declare, that it was not so, as far as he was concerned; and when the hon. Member told him so, he begged to tell the hon. Member that he stated that which was not the fact. He begged to say, that no one Member at the time he addressed his constituents from the hustings at the late election could tell what the measure of the right hon. Baronet at the head of the Government was to be. No one could tell that, before he had seen the measure. The question was put to him on the hustings, whether he would support any measure which the right hon. Baronet might bring forward with respect to the importation of corn? and he said, that he would not pledge himself either for or against the measure before he saw what it was. That was what he had said to his constituents, and for the rest he begged to say he declined being made responsible for the sentiments and opinions which the hon. Gentleman put into the mouth of hon. Members, as addressed by them to their constituents. He was not responsible for those opinions, and he would not be made so. He said, as far as he was concerned, that he had given no pledge to his constituents, and therefore he could not be accused of want of consistency. What he said to them was, that he would agree to nothing which he was not convinced would be for their ultimate benefit. He said, moreover, that in his opinion a Member of the House of Commons was not worthy of the confidence of any constituency who did not pursue that course. But the hon. Gentleman had talked a great deal about want of principle, and had attributed want of principle to hon. Gentlemen on the Ministerial side of the House; he, however, begged to tell the hon. Gentleman, that when he wanted to look for principle he would not leave his own side of the House to go to seek it on the other; and if he was in such a position as to know that this question of a Corn-bill must be settled, after two Speeches from the Throne on the subject, and that whenever carried it must be carried by some Government capable of carrying its own measures, he should not put confidence on such a question in a Government which came down with the proposition they were about to produce, altered at the last moment, and which, if in power that evening, would have been found to have abandoned the scheme which they proposed last Session. That was not the kind of Government he should look to with any hope of seeing this question finally settled in their hands; that was not the kind of Government in which the people of this country could, or ought to, have any confidence. He said, that the agricultural Members were perfectly justified in the course they were taking, knowing that this great question must be settled, in supporting a measure which was calculated to effect that object. There was a growing opinion in the country, that the Corn-law must be settled. He had enjoyed but little communication with his constituents of late, but he was proud to say, that they had trusted him throughout this matter, and as to what little he had seen of them, he had always been told, "We believe, that you have acted right, and will leave it entirely to you." Now, it appeared to him, that under the existing circumstances of this country, when he saw affairs in so unsettled a state, and when the financial difficulties of the country were so great, the worst thing he could do, that which would be most detrimental to the interests of his own constituents and the country at large, was by any crotchet of his to stop the settlement of that great question. Now, he begged to ask the noble Lord, the Member for North Lincolnshire, whose consistency had been so much lauded, whether he wished to bring back the late Government as a strong Government, or as a weak Government? Did he wish to bring them back as a weak Government? What could a weak Government do in the present difficult position of this country? Then, did he want to bring them back as a strong Government, to carry all their own measures? Could the noble Lord form a Government himself from the other side of the House. Would he apply to the noble Lord the Member for Tiverton to form part of his Government, that he might come with the strong arm of truth to sweep away all the cobwebs of monopoly; for that was the language of the noble Lord? Hon. Gentlemen might taunt him with inconsistency, and charge him with having promised not to deal with the corn question, but he answered that charge by saying, that the agricultural constituencies were perfectly well aware that the corn question would be dealt with. The right hon. Baronet had stated in the last Parliament that he should abide by the sliding-scale, but with the details of the existing Corn-laws he would not tell them what he should do. It was impossible to believe, that any man of common sense should have had any doubt about the fact, that the right hon. Baronet did mean to deal with that subject. It then became a question, whether any modification of those details should be accepted by the agricultural interest. What else could be done? Suppose a higher protection were demanded, and supposing upon that, the right hon. Baronet were to go out, with the general opinions entertained on this subject, what prospect was there that a Cabinet could be formed on that side of the House, on the principle of giving higher protection? Well, then, if a Cabinet was to be formed from the other side, what had they to expect? They knew that the noble Lord had deserted his plan of last year. Did the noble Lord mean to say, that he adhered to the principle of an 8*s*. fixed duty and nothing more? No, the noble Lord's proposal now was an 8*s*. fixed duty, with a sliding or vanishing scale at the end of it. Indeed it was somewhat doubtful whether the 8*s*. duty would be allowed to stand; for a noble Lord, formerly a colleague of the noble Lord, the Member for the City of London, had stated that an 8*s*. duty, if they came into office again could no longer even be thought of; it must then be a 5*s*. duty. He considered the motion of this year entirely different and distinct from that of the last. And consequently in the course which he felt it is duty to pursue, he would not lose sight of the state of parties. As an abstract proposition, he did not object to the motion. Abstractedly he opposed any system, the necessary effect of which was merely to raise the price of corn. He did not believe, that an unnatural price was beneficial to any class. As a farmer, and as the representative of an agricultural county, he did not wish —he believed it would not be for their interest—to see an unnatural price. He thought that the interests of the farmer and the interests of the consumer were not altogether separate. He thought that it was perfectly consistent that the consumer should receive some benefit from the proposition of the right hon. Baronet, and at the same time time that the farmers should not suffer. But they were told that the agricultural classes felt serious apprehension on this subject. To this remark he would answer that it was impossible not to feel some apprehension on a question of this nature. He begged pardon of the House for thus detaining them. He had not had the slightest intention of speaking when he came into the House. The hon. Gentleman had made him rise—but he would repeat that he would consider this question, surrounded by all the circumstances of the present times, when he was forming his judgment how to act, and that when he acted upon principles, he would not learn his principles from Gentlemen on the other side.

Mr. *Wakley* observed, that the speech just delivered might be taken as a sample of many which would be heard during the present Parliament, and probably during the present Session. There was a growing feeling out of doors which would render such speeches necessary—a feeling that even now was causing considerable uneasiness on the opposite benches. There seemed a strange inconsistency between hon. Members on the other side of the House. The last speaker had said, that he could support the amendment as an abstract proposition, if it were not introduced in connection with the Corn-bill. What then was the amendment—

> "That inasmuch as this House has repeatedly declared by its votes, and by the reports of its committees, that it is beyond the power of Parliament to regulate the wages of labour in this country, it is inexpedient and unjust to pass a law to regulate, with a view to raise unnaturally, the prices of food."

For that proposition in the abstract the hon. Member for Sussex was ready to vote. That hon. Member affected to be a consistent and an honest politician. According to his own account, he had given no pledges on the hustings, but he did not say, that he had given no opinions, which were implied pledges. In connection with the terms of the amendment, he would ask what was the proposed Corn-law? Was not the effect of it to raise the price of corn unnaturally? Gentlemen, in their candour and integrity could not deny it; they said, indeed, that it was for the good of the country to pass it; but the amount of the concession, when the hon. Member for Sussex said, that he would support the amendment as an abstract proposition, was only this, that it was in itself an excellent amendment; but that if it were to have any practical application in the accomplishment of benefit to the people he would resist it. So much for the hon. Member for Sussex; and what did the hon. Baronet, the Member for Essex say? He spoke in the tone of a sufferer and a martyr. He complained that he had been accused of sacrificing the interests of agriculture; but this was not the whole of the charge—he had been accused, not only of sacrificing the interests of agriculture, but of sacrificing his principles and his consistency also. How did the hon. Baronet get out of this scrape? How did he defend his conduct in Parliament? He was sorry that the right hon. Baronet had not been in the House, or he would have been exceedingly amused by the ingenuity of his proselyte. The hon. Baronet, the Member for Essex, had informed the House that such was his determination to support the right hon. Baronet, that he was prepared to give a conscientious vote in direct opposition to his conviction. These were his words, "I am prepared to give a conscientious vote in defiance of my own conviction." Here there was a question for casuists: If a vote be honest which is in opposition to conviction, what is that vote which is in accordance with conviction? Could that be honest, too?" He could give no answer, the question was a puzzler; but the constituency of Essex would have the satisfaction of knowing that they had a representative who could be convinced one way and could conscientiously vote another. The hon. Baronet had talked of charges against him and of his triumphant acquittal in Essex. No doubt his constituents, like himself, had been convinced that their representative had done wrong, but that he had been right in doing wrong. Like Cæsar, "he never did wrong but with just cause." Those who had so triumphantly acquitted the hon. Baronet had been the same parties, the farmers of Essex, who had shown so much alarm at the prospect of the introduction of calves under the tariff of the right hon. Baronet. No wonder; they saw that oxen might be brought in at a duty of 20*s*., and that calves might be imported for only 10*s*. duty. This was enough to alarm them, for they had every reason to expect that calves would soon be at a discount. The hon. Baronet had further expressed his conviction (perhaps,however,he would conscientiously vote in opposition to it,) that the heavy clay lands and the sterile sandy soils recently brought into cultivation would be sacrificed. Was it, he would enquire, one of the opinions of the hon. Baronet, that these heavy clay lands and sterile sandy soils ought to be cultivated at the public expense? Supposing a body of mill-owning manufacturers were to come to Parliament and say, "Such have been the improvements in machinery of late that our old machinery is of little or no value. We can no longer compete with foreigners, therefore be so good as to pass a law which shall enable us to work our worn out defective machinery, and to pay our workmen at the public expence. What would the right hon. Baronet say to such a reasonable application? He would refuse at once to grant such protection. That would be his honest answer, and why was it not to apply to those who had brought lands into cultivation which ought never to have been cultivated, and which never would have been cultivated but for the law which enriched the landlords at the expense of every other class of the community. A great deal had been said about the inhuman conduct of mill-owners and manufacturers to persons in their employ. Many of the charges were, no doubt, strictly true; but what had been the conduct of landlords? The moment an alarm was sounded, had they come forward to reduce their rents? Did landlords tell their tenants, "We think it for the public good that the law should be changed, and we are prepared to make a sacrifice: you who have leases are absolved from them, and we will enter into a new, and to you a more advantageous bargain?" Did they hold any such language as this? No; had they done so the farmer would have been able to pay the reasonable wages of his labourers; but instead of that, the gallant colonel and another hon. Member for Lincolnshire had stated, that in that county the wages of agricultural servants had already been reduced from 15*s.* a week to 12*s.* Thus one-fifth of the income of hard working, hard handed peasants was taken from them by hard hearted landlords. Why did not landlords, so loud in their claims for a character for liberality, say to the farmer, "If we exact our whole rent, you cannot pay your labourers their whole wages; we will remit a fair portion; those who can least afford to suffer will thus be spared, and the load will fall upon our shoulders, so well able to bear it, and the loss be taken from our pockets, so abundantly filled by the operation of the late Corn-law?" No such language as this had been heard in any quarter, and yet the landlords were the first to assert that the measure of the right hon. Baronet would be highly injurious to the agricultural interest. Out of doors an impression certainly prevailed, that if such a proposition had been made by a Whig administration, it would have been scouted by the agricultural interest from one end of the kingdom to the other. The farmers were not satisfied as it stood; nay, some of them were loud in their exclamations against the right hon. Baronet, and if he were rightly informed, one of this class, on the last market-day at Honiton, declared that he had at last found out that there was a worse devil than even Lord John. He was one who thought that, in the present state of the country, if people would but abandon faction, and forget self, much might be done for the good of the people. He thought also that the right hon. Baronet had done all the good his party would permit him to do. He believed, that he had gone to the utmost extent of liberality with reference to the votes of his supporters; but before the conflict was at an end, and before he was able to carry some of his measures, he would have to appeal for aid to the other side of the House—to his political adversaries. He considered the bill before the House an improvement, a great improvement, upon the present system, inasmuch as it would occasion a more fixed and regular price of corn. He did not believe, however, that it would produce any considerable reduction in the price of bread. He had been asked that morning a question in Finsbury, by a person in the watch-making trade, and it was this, "What calculation has the Minister made as to the reduction in the price of bread in consequence of his proposition?" He had heard him make none, and could, therefore, give no answer. The watchmaker continued, "We are already great sufferers by the importation of watches at a duty of 25 per cent., and yet by the tariff o Sir Robert Peel, we find that they are hereafter to be introduced at only 10 per cent. How shall we be able to compete with the foreigner then, when we are unable to compete with him even now, and what hope is there that we shall have a proportionate reduction in the price of bread?" That had been a question put to him to-day, but ere long it would come from every quater' of the kingdom, and from every interst.' "What reduction are we to have in the price of bread?" He advised the right hon. Baronet to be prepared with a reply. What were the promoters of this bill doing with the estate of the landed proprietor? Protecting it by law and keeping up its value. The poor man had an estate also, and what was it? His power to labour. What did they do with his estate? Did they protect it and keep up its value? That would be a question put on all sides, and that question must have an answer. The working man asked for no more than equal justice. He made that demand on his behalf, and he never would cease to urge it as long as he had a seat in that House.

Mr. *Robert Palmer* said, that the hon. Gentleman opposite had occupied the time of the House, not in discussing the bill, but in throwing obloquy on Gentlemen on his side of the House. He appealed to any person if he had ever given a promise to his constituents to maintain the Corn-laws entire. He referred to his speeches and addresses to prove the reverse. There was not a man in the county he represented who was not aware that the existing Corn-law was about to undergo some alteration, and that not an immaterial one, by whatever Government might happen to be in office. The question discussed at the last election was the proposition of the noble Lord as to an 8*s.* fixed duty. That the country entirely rejected. He at that time stated to his constituents that if the noble Lord should again have the opportunity of introducing that proposition to the House he should again oppose it, because it was one most detrimental to the agricultural interests and to the general interests of the country. And, at the same time, he stated to his constituents that some, and not an immaterial, alteration should be made by whatever Government should come into office. The hon. Member for Wallingford had stated with truth that a very considerable alarm did exist in the minds of the agricultural body with respect to this measure. They did not expect so material an alteration as had been made, for it was no small thing to propose that the protection which was given them by law should be reduced by one-half. He had endeavoured to ascertain the sentiments of his constituents on this measure, and to learn the course they would have their representatives to pursue; and for that purpose he had attended a very numerous assembly in a market town of no small importance, and he would appeal to his hon. Colleague whether the unanimous opinion was not, that it was both wise and prudent for the agricultural body rather to acquiesce in the proposition of the right hon. Baronet than to offer any opposition to it. And the reason was, because they knew there was no middle party in the House, and that it would not be in the power of the Members for Essex or Berkshire to form a Government of themselves. One of the two parties in that House should become the Government, and under the present circumstances of the country, if the present Government were thrown out of office, the agricultural interests would be necessarily placed at the mercy of the noble Lord opposite. By a resolution which stood on the paper, for Friday, to be moved on the bringing up of the report on the Income-tax, it could be distinctly seen that the opinions of the noble Lord were not changed with regard to the agricultural interests, and that he would be prepared again, if he had the opportunity, to propose what he called his moderate fixed duty on corn, which might be 8*s.* now, but which would then be on a considerably lower estimate. On the whole, he came to the conclusion, that, under the circumstances in which the country was placed, by acquiescing—which he confessed he did reluctantly—in the measure of the right hon. Baronet, he was taking the last course which he could secure to the agricultural interest, the maximum protection which, at the present moment, it was practicable to maintain.

Mr. *Eaton:* [As the representative of a large agricultural constituency, would state the reasons for the vote he was about to give. He had voted for the second and third reading of the bill, hoping to see it modified in committee. Alas! he had been deceived. He believed with his constituents that the scale for wheat was too low, whilst the scale for barley and for oats was repudiated by all. Besides, when he first voted for this bill, the right hon. Baronet's tariff had not been introduced. Although it was with considerable reluctance, he must withdraw his support from the right hon. Baronet, for he should not be doing his duty to his constituents if he did not oppose a bill fraught with so much danger and destruction to the agricultural interests.

Mr. *Fielden* said, that the motion of two affirmative propositions, both of which the hon. Member for Stockport contained were true. Mr. Huskisson had been quoted as an authority, but he denied that Mr. Huskisson was such an authority. He was one of those who was either for having protection to the whole body of the people, or for having protection for none. Was there protection for the working men? What was the condition of the handloom weavers? In 1815 they passed the Corn-bill, in 1819 they altered the currency, and from that time to the present the condition of the handloom weavers had become worse. Protection, in fact, was all on one side. If he voted for the third reading of this bill, and against the proposition of his hon. Friend, he would be voting for what was unjust in principle and in practice. He would be glad to see hon. Gentlemen opposite get up and answer the argument of the hon. Member for Stockport. They did not, because they could not.

Mr. *Brotherton* could confirm the statement of the hon. Member for Oldham with regard to the reduction of wages which had been going on since 1815, though the price of corn was kept up as high as when the working men were receiving so much higher remuneration for their labour. He held in his hand a document which showed the depreciation of the wages of handloom weavers since 1831. In that] year 1*s.* 10*d.* a piece was paid for one description of goods; in 1841 only 1*s.* 1*d.* was paid for the same description; and he understood that the price was now reduced below 1*s.* He saw by the public prints that the hon. Member for Blackburn had been in the habit of employing 1,500 hands, who were now unemployed, owing to the reduction of wages. This reduction was still going on, and where they were to stop he could not imagine. The reduction had not taken place in the wages of the handloom weavers alone; it had occurred in the spinning trade. The price paid for fine spinning in 1835 was 1*s.* 3*d.*; in 1841 that sum was reduced to 9*d.*; and spinning for which 2*s.* 2*d.* was paid in 1828 was now reduced to 1*s.* 2*d.* In the years 1835, 1836, and 1837, wages had rather increased than diminished. This showed that wages did not depend on the price of food, but on the quantity of supply and demand. In the borough of Stockport, it appeared, by recent returns, that 14,000 persons were not earning more than 9*d.* or 10*d.* a-week. By an adherence to the principle of the sliding-scale, if the produce grown in this country was 40,000,000 or 50,000,000 quarters, every increase of a shilling duty would lay a tax of 2,000,000*l.* on the people; and the whole loss to the public by this law would be 20,000,000*l.* It was a fallacy to say that we were not dependent on foreign countries for a supply, for since 1828 nearly 2,000,000 quarters of grain had been annually imported, so that we already depended on foreign countries; and when we saw our population increasing which could not be provided for by an increased production on our own land, it must be by extended manufactures. It had been computed that 200,000 quarters of grain were used by the manufacturers; they were necessary in sizing, printing, and other departments, and several houses assured him that if the duty on corn were taken off they would save 800*l.* or 1,000*l.* a-year each. This was a heavy tax upon the public, and it was therefore convenient that the people of this country should understand that the sliding-scale imposed a tax of 20,000,000*l.* a-year, and that this accounted for the depreciation in the value of our own manufactures. The effect of the present bill would be to restrict commerce; it would not produce a regular trade in corn; if it did not produce a regular trade in corn it would operate against the interests of the manufacturers; if it operated against the interests of the manufacturers, it would ultimately operate against the agricultural interests, and he did ask what the agricultural interests would come to if they destroyed the manufactures of this country? He did not wish to bandy terms, or to abuse the agricultural interests, but he wished them to look to facts, and he believed that by this bill they would raise a tax which would not benefit the farmer, and would be acting unjustly towards the rest of the community.

Mr. *Blackstone* observed, that it had been stated that the country at the last dissolution expected the Corn-laws would be dealt with. That sentiment was not only cheered but re-echoed. He confessed that it was expected that the Corn-laws would be dealt with, and that there would be an alteration of the sliding-scale, but he would ask whether it was really believed that so vast and great an alteration would be proposed by the friends of the farmer? He would frankly state, that he would not consent to the alteration which was demanded of the farmer. But was he singular? He was not going to read the addresses of hon. Gentlemen to their constituents, but he would ask the House whether if this measure had been proposed by the noble Lord, the Member for London, any one of the county Members in the House would have supported him? He had had an opportunity of meeting his constituents, and he found that there was a strong and almost unanimous expression of dissent on the part of the agricultural interest. He had been since the recess in many parts of the West of England, and, he believed, he was stating the opinions of the great majority of the agricultural classes when he said, that there was a strong feeling of opposition to the measures of the right hon. Baronet, and that the proposition for the importation of live stock at a small duty would be attended with the most disastrous results to that body.

Lord *Worsley* had not intended to take any part in the debate of that evening, but after the very pointed manner in which he had been referred to by the hon. Member for Essex and Sussex, he could not avoid saying a few words. The hon. Member for Sussex had stated, in reference to the scale proposed by his hon. Colleague, and that proposed by himself, that he hoped the county of Lincoln was not to be sold to the highest bidder. He hoped that such was the case; but he thought that if the hon. Gentleman had been at the meeting of Monday last, at which he had attended, and had witnessed the reception given to his hon. Colleague, and that with which he was honoured, the hon. Member would have been better able to judge of how the conduct of each was regarded by the people of Lincolnshire. He had been asked whether he were prepared to see a strong government coming forward with the propositions of his noble Friend, and which would have enabled him to carry the plan of a fixed duty upon corn. He could not, however, forget that the last dissolution took place upon the corn question, and when it was recollected that the opinion of the public upon the subject were known—that there had been divisions during the present Session upon a fixed duty and upon the motion of the hon. Member for Wolverhampton; and when the majorities upon these motions were recollected, he would ask the House, as he had asked at the meeting on Monday last, whether any one could say, that, if the present bill was thrown out, there was any chance whatever of a proposition for a fixed duty being carried. The majority against the proposition of a fixed duty had been upwards of 150, and no one could say after that that there was any danger whatever of such a result. He believed there had frequently been much mischief done in this country by a very strong government, and history contained many instances of the truth of the observation. On the one hand, he had the right hon. Baronet, with whose political opinions he could not agree, and who had for a length of time opposed measures to which he had afterwards given his assent,—on the other hand, he had his noble Friend, who had done such service to the cause of civil and religious liberty; and he should have no hesitation in seeing that party again in power, believing that if they went to a dissolution again upon that question the proposition of a fixed duty would not be carried in that House. The hon. Member for Sussex had said, that there was an opinion in the country that the Corn question should be settled, and the hon. Member for Essex had expressed a hope that the measure proposed by her Majesty's Government would be a final one. Now, with these two conflicting opinions——[Sir *J. Tyrell:* Only in case it worked well.] He would remind the hon. Baronet of the speech he had made the other night, when he stated that he thought the scale too low, but that he would take it rather than allow the Government to fall into the hands of those who sat on his (Lord Worsley's) side of the House. The hon. Gentleman had, in fact, made a strong case against the measure. The hon. Member for Sussex had said, that he had made no pledge on the subject of the Corn-laws, but he would ask whether others had not done so? He would ask whether one of his hon. Colleagues had not stated that his first object was to secure just protection to the agricultural interest—that less protection than the present law afforded he would not consider just, and that therefore he would oppose any measure which would give them less protection. Now when such a statement was put forward by a candidate, was it not to be expected that if returned he would do his best to prevent any material alteration in the Corn-laws. He was justified in saying, that, at a meeting of an agricultural association at Brigg, in the county of Lincoln, resolutions were passed unanimously against the Corn Importation Bill, the Tariff, and the Income-tax; and that several of the farmers who had attended that meeting said that they would as soon have had the 8*s.* fixed duty as these combined measures of Sir Robert Peel. In opposing the motion of the hon. Member for Stockport, he begged to be understood as not giving any support to the Corn Importation Bill. He looked upon the motion in this way. He did not think the Corn-bill was intended to regulate wages, but he believed that under any Corn-bill wages would be regulated very much by the price of corn. For these reasons he should vote against the motion; but in doing so, he would repeat that he did not mean to give any support whatever to the propositions of the right hon. Baronet.

Sir *Valentine Blake* said, he had intended to bring forward an amendment to the proposition for the third reading of this bill, the nature of which he would state to the House. He had proposed to move.

"That notwithstanding the benevolent desire expressed in her Majesty's Speech on opening the present Session of Parliament; and notwithstanding the express declaration of her Majesty's Government thereon, that they would not sanction any laws which would in its effect or operation increase the protection to the existing restrictions of the supply of corn for the home market. The House has nevertheless under the auspices of Government, sanctioned a new law which is far advanced in its progress which new laws will in its operation and effect increase the price to the consumer, and render the existing monopoly of the landed interests more valuable and more durable, and therefore more intolerable than ever."

He regretted, that some more able Member of the House than he was, had not presented himself to introduce a similar motion to the House; and that the proposition of his amendment would now be out of order. But he felt it to be his duty to declare that his opinion was entirely in opposition to the principle of this measure. He maintained, that its result would be the increase and not the diminution of the price of food, but he thought, that it was only to reduce that price to restore peace and harmony, and affluence throughout the country. The averages were made up from sales of British grain in specified places, the manner in which the averages were made void, was never attempted till the very high duty was enacted a large holder of bonded corn, and his confederates contrived to evade the duty by fictitious sales, but the result was the introduction of a larger quantity of foreign corn, but by lowering the duty according to the proposed scale, the inducement to evade it by committing frauds would be taken away, and by correcting the frauds in taking the averages foreign corn was excluded, which would be otherwise introduced and the price of bread would be consequently increased. From the transactions of the Society for the Diffusion of Useful Knowledge, it was easy to ascertain to what extent fictitious sales were made, all founded upon the fluctuating scale; as, for instance, supposing there were 800,000 quarters of wheat under bond, and the average price was 66*s.*, the duty was 20*s.* 8*d.*, which on the whole would amount to 826,000*l.* Thus the construction of the sliding-scale was calculated to encourage frauds, and if the average price could only be raised 7*s.* per quarter by those frauds, the duty to be paid would be only 40,000*l.*, making a difference to the holders of upwards of one million, namely, 786,000*l.* by the fall of the duty, and 280,000*l.* by the advance of prices; so that in this way, by correcting the frauds, the already wretched consumers were thrown more entirely than heretofore on the tender mercies of the landed aristocracy. He always thought that God's laws were immutable. To what purpose did they pray for daily bread? To what purpose did they offer up prayers each day at the commencement of the sittings of the House? To increase the fruits of the earth. Was it for the benefit of all, or was it only for the benefit of the favoured few, the possessors of an unrighteous monopoly, who would do well to recollect that it was laid down in Holy Writ, "That he who keepeth the people from corn, him shall the people curse." One word only more, upon the subject of this motion. It was said, that if the price of bread were lowered, the master manufacturers would thereupon lower the wages of the workman. It was rank nonsense to make this assertion. This, and such other trash about the truck system, and the devil's dust, and the devil knew what besides, was all the result of the high price of corn, by which the manufacturers were prevented from disposing of their goods, and hence the depressed state of trade. If there were four or five men seeking for employment, and only one or two vacancies, surely it was manifest that the unfortunate labourer was at the mercy of the master-manufacturer, who selected the person who would do the work on the lowest terms; but if they reversed the picture, encouraged trade, and gave employment by lowering the price of food, they would then find the master-manufacturer coaxing the working classes, and giving high wages; because it was manifest that labour, like every other commodity, must obtain its price according to the demand.

The House divided on the question that the words proposed to be left out stand part of the question—Ayes 236; Noes 86:—Majority 150.

List of the AYES.

A'Court, Capt.
Ackers, J.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, M.
Arkwright, G.
Astell, W.
Attwood, M.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Balfour, J. M.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Beresford, Major
Berkeley, hon. C.
Blackburne, J. I.
Blackstone, W. S.
Bodkin, W. H.
Boldero, H. G.
Botfield, B.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Brodie, W. B.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Col.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Burroughes, H. N.
Campell, Sir H.
Campbell, A.
Carnegie, hon. Capt.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Christmas, W.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.

Cochrane, A.
Cockburn, rt. hn. Sir G.
Cole, hon. A. H.
Collett, W. R.
Colvile, C. R.
Compton, H. C.
Coote, Sir C. H.
Corry, rt. hon. H.
Courtenay, Visct.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Dickinson, F. H.
D'Israeli, B.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Duffield, T.
Duncombe, hon. A.
Du Pre, C. G.
East, J. B.
Egerton, W. T.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, Capt.
Fleming, J. W.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Godson, R.
Gordon, hn. Capt.
Gore, M.
Gore, W. R. O.
Goring, C.
Graham, rt. hon. Sir J.
Granby, Marquess of
Greenall, P.
Greene, T.
Gregory, W. H.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Hamilton, C. J. B.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir E.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hillsborough, Earl of
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Houldsworth, T.
Holmes, hon. W. A'Ct.
Hope, hon. C.
Hope, A.
Hornby, J.
Howard, hn. E. J. G.
Hughes, W. B.
James, W.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, H.
Jones, Capt.
Kemble, H.
Knatchbull, right hon.
  Sir E.
Lawson, A.
Legh, G. C.
Lennox Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. General
Mackenzie, W. F.
Mackinnon, W. A.
Mc Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners Lord C. S.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martyn, C. C.
Marton, G.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Miles, P. W. S.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Murray, C. R. S.
Murray, A.
Neville, R.
Newry, Visct.
Norreys, Lord
O'Brien, A. S.
O'Brien, W. S.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord W.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pigot, Sir R.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. T.
Price, R.
Pringle, A.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rose, rt. hn. Sir G.
Round, C. G.
Round, J.
Russell, J. D. W.
Ryder, hon. G. D.
Sandon, Visct.
Scarlett, hon. R. C.
Seymour, Sir H. B.
Sheppard, T.
Shirley, E. P.
Smith, A.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, J. A.
Tennent, J. E.
Tolllemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Tyrell, Sir J. T.
Vane, Lord H.
Vere, Sir C. B.
Verner, Col.
Vyvyian, Sir R. R.
Waddington, H. S.
Wilbraham, hon. R. B.
Williams, T. P.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Worsley, Lord
Wortley, hon. J. S.
Wyndham, Col. C.
Wynn, rt. hn. C. W. W.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Bannerman, A.
Bell, J.
Berkeley, hon. H. F.
Bernal, Captain
Blake, Sir V.
Blewitt, R. J.
Bowring, Dr.
Brocklehurst, J.
Browne, R. D.
Browne, hon. W.
Buller C.
Buller, E.
Busfeild, W.
Byng, rt. hon. G. S.
Cave, hon. R. O.
Christie, W. D.
Clay, Sir W.
Clements, Visct.
Collins, W.
Crawford, W. S.
Dalmeny, Lord
Dashwood, G. H.
Dennistoun, J.
Duncan, G.
Duncombe, T.
Dundas, Admiral
Easthope, Sir J.
Ewart, W.
Fielden, J.
Fitzroy, Lord C.
Fitzwilliam, hn. G. W.
Forster, M.
Fox, C. R.
French, F.
Gibson, T.
Hawes, B.
Heathcoat, J.
Heron, Sir R.
Hill, Lord M.
Humphery, Mr. Ald.
Johnston, A.
Langston, J. H.
Leader, J. T.
Marshall, W.
Martin, J.
Metcalfe, H.
Norreys, Sir Den.
  Jephson
O'Brien, C.
O'Connell, Don.
O'Connell, M. J.
O'Connell, J.
Paget, Lord F.
Parker, J.
Pechell, Capt.
Philips, G. R.
Philips, M.
Pinney, W.
Powell, C.
Protheroe, E.
Pulsford, R.
Ricardo, J. L.
Scholefield, J.
Scott, R.
Smith, B.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Villiers, hon. C.
Vivian, hon. Major
Vivian, hon. Capt.
Wakley, T.
Walker, R.
Wallace, R.
Ward, H. G.
Wawn, J. T.
White, S.
Williams, W.
Wood, B.

Wood, G. W.
Wrightson, W. B.
Yorke, H. R.

TELLERS.
Brotherton, J.
Cobden, R.

On the question being again put, that the bill be read a third time,

Mr. *Hindley* observed, that he was most anxious that the House should come to a decided opinion on the principle of this measure, as it would affect the agricultural interests of this country; he should therefore move, "That the debate be adjourned until Monday next." He should take the sense of the House on the subject, if any hon. Member would second the motion.

Mr. *Blewitt* seconded the motion.

The House divided—Ayes 68; Noes 247:—Majority 179.

List of the AYES.

Aglionby, H. A.
Allix, J. P.
Bannerman, A.
Bell, J.
Berkeley, hn. C.
Berkeley, hn. H. F.
Bernal, Capt.
Blackstone, W. S.
Bowring, Dr.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Busfeild, W.
Byng, rt. hn. G. S.
Christopher, R. A.
Clements, Visct.
Cobden, R.
Colvile, C. R.
Crawford, W. S.
Dalmeny, Lord
Dashwood, G. H.
Dennistoun, J.
Duncan, G.
Duncombe, T.
Dundas, Admiral
Easthope, Sir J.
Eaton, R. J.
Ewart, W.
Fielden, J.
Harris, J. Q.
Hatton, Capt. V.
Heneage, E.
Heron, Sir R.
Hill, Lord M.
Murray, A.
Norreys, Sir D. J.
O'Brien, A. S.
O'Brien, C.
O'Connell, D.
O'Connell, M. J.
O'Connell, J.
Ossulston, Lord
Paget, Lord A.
Pechell, Capt.
Pinney, W.
Ponsonby, hn. J. G.
Powell, C.
Power, J.
Ricardo, J. L.
Scholefield, J.
Scott, R.
Smith, B.
Somerville, Sir W. M.
Stuart, Lord J.
Strickland, Sir G.
Tancred, H. W.
Trollope, Sir J.
Vyvyan, Sir R. R.
Wakley, T.
Walker, R.
Wallace, R.
Wawn, J. T.
White, S.
Williams, W.
Wodehouse, E.
Wood, B.
Worsley, Lord

TELLERS.
Blewitt, R. J.
Henley, J. W.

List of the NOES.

Acland, T. D.
A'Court, Capt.
Ackers, J.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Aldam, W
Alford, Visct.
Antrobus, E.
Archdall, M.
Arkwright, G.
Astell, W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Balfour, J. M.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Beresford, Major
Berkeley, hon. Capt.
Blackburne, J. I.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Brodie, W. B.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Col.
Buck, L. W.
Buckley, E.
Buller, C.
Buller, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, Sir H.
Campbell, A.
Carnegie, hon. Capt.
Cave, hon. R. O.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Christie, W. D.
Christmas, W.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Colborne, hn. W. N. R.
Cole, hon. A. H.
Collett, W. R.
Compton, H. C.
Coote, Sir C. H.
Corry, rt. hon. H.
Courtenay, Visct.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Dickinson, F. H.
D'Israeli, B.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Duffield, T.
Duncombe, hon. A.
Du Pre, C. G.
East, J. B.
Egerton, W. T.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, Capt.
Fitzwilliam, hn. G. W.
Fleming, J. W.
Forbes, W.
Forster, M.
French, F.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goring, C.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenall, P.
Greene, T.
Gregory, W. H.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawes, B.
Hawkes, T.
Hayes, Sir E.
Heathcoat, J.
Heneage, G. H. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hillsborough, Earl of
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Houldsworth, T.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, A.
Hornby, J.
Howard, hn. E. G. G.
Hughes, W. B.
Ingestre, Visct.
Inglis, Sir R. H.
James, W.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, A.
Johnstone, H.
Jones, Capt.
Kelburne, Visct.
Kemble, H.
Knatchbull, right hon. Sir E.
Langston, J. H.
Lawson, A.
Legh, G. C.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.

Lygon, hn. General
Mackenzie, W. F.
Mackinnon, W. A.
Mc Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners Lord C. S.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martyn, C. C.
Marton, G.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Miles, P. W. S.
Mitcalfe, H.
Morgan, O.
Morris, D.
Mundy, E. M.
Murray, C. R. S.
Neville, R.
Newry, Visct.
Norreys, Lord
O'Brien, W. S.
Owen, Sir J.
Packe, C. W.
Paget, Lord W.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Philips, G. R.
Philips, M.
Pigot, Sir R.
Plumptre, J. P.
Pollock, Sir F.
Ponsonby, hn. C. F. A.
Praed, W. T.
Price, R.
Pringle, A.
Protheroe, E.
Pulsford, R.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rose, rt. hn. Sir G.
Round, C. G.
Round, J.
Rous, hon. Capt.
Russell, J. D. W.
Ryder, hon. G. D.
Sandon, Visct.
Scarlett, hon. R. C.
Seymour, Sir H. B.
Sheppard, T.
Smith, A.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, J. A.
Tennent, J. E.
Tollemache, J.
Towneley, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Waddington, H. S.
Ward, H. G.
Wilbraham, hn. R. B.
Williams, T. P.
Wood, Col.
Wood, Col. T.
Wortley, hn. J. S.
Wyndham, Col. C.
Wynn, rt. hn. C.W.W.
Young, J.
Young, Sir W.

TELLERS.
Fremantle, Sir T.
Baring, H.

Question again put, that the bill be read a third time:

Dr. *Bowring* stated that he should take the sense of the House on the motion.

The House divided—Ayes 229; Noes 90:—Majority 139.

List of the AYES.

Acland, T. D.
A'Court, Capt.
Ackers, J.
Acton, Colonel
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Astell, W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Balfour, J. M.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Beresford, Major
Blackburne, J. I.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Brodie, W. B.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Colonel
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, Sir H.
Campbell A.
Carnegie, hon. Capt.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Christmas, W.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, right hon. Sir G.
Colborne, hn.W.N.R.
Cole, hon. A. H.
Collett, W. R.
Compton, H. C.
Coote, Sir C. H.
Corry, rt. hon. H.
Courtenay, Visct.
Cripps, W.
Crosse, T. B.
Damer, hon. Colonel
Darby, G.
Dawnay, hon. W. H.
Dickinson, F. H.
D'Israeli, B.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Duffield, T.
Duncombe, hon. A.
Du Pre, C. G.
East, J. B.
Egerton, W. T.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, Capt.
Fitzwilliam, hn. G. W.
Fleming, J. W.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goring, C.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenall, P.
Greene, T.
Gregory, W. H.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, right hon. Sir H.
Hardy, J.
Hawkes, T.
Heneage, G. H. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hillsborough, Earl of
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Houldsworth, T.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, A.
Hornby, J.
Howard, hon. C.W.G.
Howard, hon. E.G.G.
Hughes, W. B.
Ingestre, Visct.
Inglis, Sir R. H.
James, W.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, H.
Jones, Capt.
Kelburne, Visct.
Kemble, H.
Knatchbull, right hon. Sir E.
Lawson, A.
Legh, G. C.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, J. H.
Lowther, hon. Colonel
Lyall, G.
Lygon, hon. General
Mackenzie, W. F.
Mackinnon, W. A.
McGeachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
Manners, Lord C. S.

March, Earl of
Marsham, Visct.
Martyn, C. C.
Marton, G.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Miles, P. W. S.
Morgan, O.
Mundy, E. M.
Murray, C. R. S.
Neville, R.
Newry, Visct.
Norreys, Lord
O'Connell, M. J.
Owen, Sir J.
Packe, C. W.
Paget, Lord W.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pigot, Sir R.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. T.
Price, R.
Pringle, A.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rous, hon. Capt.
Russell, J. D. W.
Ryder, hon. G. D.
Sandon, Visct.
Scarlett, hon. R. C.
Sheppard, T.
Smith, A.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, J. A.
Tennent, J. E.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Waddington, H. S.
Wilbraham, hn. R. B.
Williams, T. P.
Wodehouse, E.
Wood, Colonel
Wood, Colonel T.
Wortley, hon. J. S.
Wyndham, Col. C.
Wynn, rt. hn. C.W.W.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Anson, hon. Colonel
Archdall, M.
Bannerman, A.
Bell, J.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, Capt.
Blackstone, W. S.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Buller, C.
Buller, E.
Busfeild, W.
Byng, rt. hon. G. S.
Cave, hon. R. O.
Christie, W. D.
Clements, Visct.
Cobden, R.
Colvile, C. R.
Craig, W. G.
Crawford, W. S.
Curteis, H. B.
Dalmeny, Lord
Dashwood, G. H.
Dennistoun, J.
Duncan, G.
Duncombe, T.
Dundas, Admiral
Easthope, Sir J.
Eaton, R. J.
Ewart, W.
Fielden, J.
Forster, M.
Fox, C. R.
French, F.
Gibson, T. M.
Gordon, Lord F.
Harris, J. Q.
Hatton, Capt. V.
Hawes, B.
Heneage, E.
Henley, J. W.
Heron, Sir R.
Hill, Lord M.
Johnston, A.
Langston, J. H.
Marjoribanks, S.
Mitcalfe, H.
Morris, D.
Murray, A.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, A. S.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
Ossulston, Lord
Paget, Lord A.
Pechell, Capt.
Philips, G. R.
Philips, M.
Pinney, W.
Ponsonby, hon. J. G.
Powell, C.
Power, J.
Pulsford, R.
Ricardo, J. L.
Scholefield, J.
Scott, R.
Smith, B.
Somerville, Sir W. M.
Stuart, Lord J.
Strickland, Sir G.
Tancred, H. W.
Towneley, J.
Trollope, Sir J.
Villiers, hon. C.
Vyvyan, Sir R. R.
Wakley, T.
Walker, R.
Wallace, R.
Wawn, J. T.
Williams, W.
Wood, B.
Worsley, Lord

TELLERS.

Bowring, Dr.
Blewitt, R. J.

Bill read a third time.

Mr. *French* stated that the clause he proposed to bring up had been framed in accordance with the prayer of a petition presented by him last night, from the five individuals having, he believed, the largest capital invested in the milling trade in Ireland, Mr. Alexander, of Belfast; Mr. Malcolmson, of Clonmel; Mr. Roberts, of Cork; Mr. Knox, of Caledon; and Mr. Russell, of Limerick. He had hoped to have had that petition printed and in the hands of Members before the third reading of the bill; but as the right hon. Baronet at the head of her Majesty's Government had proceeded with the third reading to-night instead of to-morrow night, as originally supposed, he was unable to place this document before them in a printed form. Until the year 1793 agriculture was greatly neglected in Ireland, and the importation of corn frequently necessary for the subsistence of its inhabitants. In that year an act was passed by the Irish Parliament, for the promotion of agriculture and encouragement of corn mills, which prohibited any foreign corn ground into flour from being at any time imported into Ireland; and this prohibition was confirmed and continued by the several acts for the regulation of the trade in corn, passed in the Parliament of the United Kingdom in the years 1804, 1806, 1815, 1822, and 1828. When the first protective enactment was passed by the Irish Parliament, there were but few corn mills existing in Ireland. It appeared, by a return laid on the Table of the House, in 1835, that there were then upwards of 1,800 mills in that country, which number had been since considerably increased by the extension of steam power and other causes. In the several parts of Ireland, where corn mills had been erected large tracts of waste lands had been reclaimed —tillage had been extended—the farmer benefitted by being afforded a constant and ready place of sale for his produce, unburdened by the heavy expenses of carriage to a distant market—industry had been promoted, and new comforts introduced amongst the working population; while the country had been enabled to export large quantities of grain and flour to Great Britain, beyond the supply necessary for its own wants; and he trusted the House would join in opinion with him, that it would be the greatest hardship to the Irish millers if a protection—confirmed by every act of Parliament passed for the regulation of the corn trade from 1793 to the present day, and upon the faith of which large capitals had been invested in corn mills in Ireland—should be suddenly withdrawn without any notice whatever. In their petition the millers entreated the attention of the House to the fact, that as the necessities of the Irish farmers compelled them to sell their grain soon after harvest, the Irish millers were consequently obliged to purchase their stocks before the present period of the year, and that they were now holders of large quantities of wheat, bought at prices regulated by the act proposed to be altered, and which the new bill, if passed into a law, would greatly depreciate. They also stated, that they had purchased their supplies of wheat for the present year with the more confidence, inasmuch as this House refused, in the Session of 1840, to pass a bill brought in to repeal the protection hereinbefore mentioned and enjoyed by the Irish miller for a period of fifty years. And the petition concluded with a prayer that this House should afford the Irish millers a reasonable time for working off their present stocks of wheat before the proposed law came into operation in Ireland. He particularly directed the attention of the House to the fact, that the stocks of wheat now held by the Irish millers had been necessarily laid in by them at their own warehouses, at Christmas last, when the price of corn was high, in consequence of the limited means of the Irish farmers, which compelled them to sell at that period of the year, and the absence of stores or bonding warehouses in Ireland. He trusted that the right hon. Gentleman (Sir Robert Peel) would not object to this clause, as it only placed the millers in the same position he had already conceded to the provision merchants, who had been allowed time to work off their stocks. The same favour had been extended to the timber and to the seed merchants, and could not, he contended, in justice be denied to the milling interest. The cases of the millers and the provision merchants were quite analogous. The importation of foreign cattle into England had hitherto been prohibited. The importation of foreign flour into Ireland had hitherto been prohibited. The importation of foreign cattle into England was now to be allowed; but time has been granted to the provision merchants to get rid of their stocks. The importation into Ireland of foreign flour was now to be allowed; the object of this clause was to allow the millers time to get rid of their stocks. He trusted, therefore, the House would consider that the claim he made on behalf of the Irish millers—the sole manufacturers of any importance remaining in that country—was only that the same measure of justice should be extended to them that had already been extended to other interests. If the House adopted this clause, some portion at least of the calamity with which the Irish millers were threatened might be averted, and time afforded to enable them to make some preparation for so momentous a change as awaited them. He concluded by moving,—

> "That so much of this act as allows the importation into Ireland of flour, the produce and manufacture of any foreign country, or of any British possession out of Europe, shall not commence and take effect until from and after the expiration of six calendar months from the passing hereof."

Clause brought up and read a first time. On the question that it be read a second time.

Sir *R. Peel* said, I propose to submit all the agricultural interests in this country to immediate competition with foreign produce, and I see no reason why there should be an exception in the case of Ireland. I will take the case of oats. Complaints have been made that the duty I proposed is not sufficient to protect Irish oats from foreign competition, but still oats are to be open to foreign competition, and no lapse of time is to be given to the grower to secure his interests. Nay, more —I think he should not possess any such advantage; and because it is of great importance that this law should be brought into operation at once, and in all cases, unless where some special or peculiar reason for a different course may exist, I doubt whether the application of the hon. Gentleman, even if granted, would benefit Ireland, although he says that hitherto the Irish millers have enjoyed a monopoly in grinding flour for exportation. But it should be recollected that we are going to admit foreign flour at lower rates of duty, and consequently that the Irish millers can no longer expect to possess the advantage they have heretofore had of the English markets. The hon. Gentleman seems to be alarmed as to the import of flour from the United States, but those who sit near him can tell him that he has no ground for alarm, and that the increase of flour from the United States will not more than correspond with the remission of the duty. I should be subjecting myself to the imputation of partiality if I were to except one interest when, by my bill, I am subjecting every other agricultural interest to competition with the foreigner. I must oppose the proposition of the hon. Member; for, in a measure which concerns so many interests, I do not think I ought to make an exception in favour of one particular interest.

Sir *William Somerville* stated, that the millers had much to complain of in the present case. The bill introduced into the House by the late President of the Board of Trade (Mr. Labouchere), in 1840, which involved no such amount of injury to that body as the present measure was calculated to produce, was successfully opposed by hon. Gentlemen on the opposite side of the House, amongst whom there were many Members forming a part of the present Administration. The right hon. Baronet, the Member for Kent (Sir E. Knatchbull)—the present Vice-President of the Board of Trade (Mr. Gladstone)—the Secretary of the Board of Control (Mr. Tennent)—the Solicitor-general for Ireland (Mr. Jackson)—the Solicitor-general for England (Sir W. Pollock)—the gallant Officers, the Members for the counties of Donegal and Armagh—the hon. Member for Shropshire—all voted on that occasion against the bill for allowing the importation of foreign flour into Ireland. The hon. Baronet read extracts from the speeches made by these Gentlemen on that occasion, and concluded by stating that they appeared to him to be in the dilemma of either having at that time, for party motives, opposed a measure on the unfounded pretext of its being destructive to the interests of Ireland, or of now sacrificing the interests of that country for political motives. He did not see how they could reconcile their conduct to their consciences or their constituents.

Mr. *Gladstone* replied, that there was no foundation for the accusation that had been made by the hon. Baronet, seeing that it was one to oppose an isolated and exceptive measure, singling out an interest alone for operation; and another, to support a comprehensive measure like the present, dealing with all interests alike. The price of flour in Ireland was regulated by the price of that article in England; and if it fell in this country, no legislative provision could keep it up in Ireland. He found that, although during the early part of the corn year there was a large exportation of flour into this country, from Ireland, yet, at this period, the latter part of the corn year, the amount of the importation of flour into Ireland, from England, was greater than the quantity she exported here. It became, therefore, apparent, that no beneficial result could arise from the introduction into the bill of the proposed clause, and he would, consequently, oppose it.

Mr. *O'Connell* observed, that the Vice-President of the Board of Trade's (Mr. Gladstone's) defence of his own consistency on this question was most unfortunate; but for reasons, differing altogether from those that had been expressed by hon. Gentlemen on both sides of the House, he would himself oppose the introduction of the clause.

Mr. *Christmas* contended, that the bonus offered by the bill for the importation of foreign flour into the United Kingdom, in preference to wheat, must prove most disastrous to the milling trade of this country.

Mr. *M. J. O'Connell* pointed out several other Members on the opposite side of the House, who now supported the right hon. Baronet, in withdrawing from the Irish millers the legislative protection they had so long enjoyed, but who were, at so very recent a period, strenuously opposed to any such measure. He trusted his hon. Friend (Mr. French) would not press his motion to a division, as it was evident no beneficial result could be expected in the present temper of the House.

Question negatived.

Mr. *Johnston* then moved the following clause:—

"And be it enacted, that foreign or colonial flour in bond, of such a degree of acidity as to be generally unfit for human food, and which shall be so ascertained by a test to be furnished by the Board of Trade, shall be permitted to be taken out of bond for use in the manufacture and finishing of cotton and other goods, upon payment of a duty of 1*d.* per cwt."

As a merchant and manufacturer, he thought that it was the duty of the Legislature to do all in their power to promote manufacturing interests. He, therefore, was inclined to support the new tariff, considering it, though faulty, in some respects well calculated to benefit the country. In support of his motion, the hon. Member read a letter he had received from a practical chymist, in which he stated, that he could not only apply a chymical test to prove whether flour was sour or not, but, in order to the protection of the revenue, he could find means of making it so disagreeable as to be wholly unfit for human food. All he wanted was, to pin the Government to the declaration of the right hon. Baronet, viz.,—that the raw material for the use of manufactures should be admitted at the lowest duty,—he named 5 per cent.,—the duty upon flour was upwards of 40 per cent.

Mr. *M. Philips* seconded the motion. It was impossible to carry on the manufactures of this country without a very extensive use of flour, and, whatever might be said, by any hon. Gentleman, all the manufacturers with whose business he had become acquainted were in the constant habit of using the very best flour. He could assure the House and the Government, that the manufacturers intended no fraud upon the revenue, all they wanted was, that they should be relieved from a great difficulty under which they laboured and which prevented them from successfully competing with the foreigner.

Dr. *Bowring* had no doubt but the flour sought to be used in manufactures might be so mixed in bond as to render any fraud upon the revenue impossible.

Mr. *Cobden* supported the proposition, and hoped the hon. Member for Kilmarnock would press it to a division. He could assure the House that, by agreeing to the clause, they would not only confer a great obligation upon the large manufacturers, but also render a great boon to the handloom weaver, for whom they professed so deep a sympathy, and who could not carry on his work without a plentiful use of flour.

Mr. *Gladstone* said, that the Government were anxious to meet the wishes of the manufacturers as far as they could safely do so. The question, however, it should be recollected, was one of practicability, and that question had been answered in the negative. He was aware, that there was a difference of opinion on the subject amongst professional men; but those on whom the Government were accustomed to rely, had stated, their inability to supply a test that would, with sufficient certainty, distinguish the states of unsound flour, so far as to meet the objects proposed by the hon. Member's clause.

Clause brought up, and read a first time. The question that it be read a second time, was negatived.

Mr. *Wakley* proposed the following clause:—

"And whereas it would be unjust and injurious to the public to admit into the weekly returns aforesaid, accounts of the purchases and sales of any wheat which is unfit to be used for the purposes of human food; be it therefore enacted, that no account of any purchase and sale shall be included in such weekly return as aforesaid, of any wheat which shall have been purchased and sold at a less sum than one-third of the highest price at which any wheat is stated to have been purchased and sold in any such weekly returns."

He had received, from a source on which he could place implicit reliance, the following statement relative to the introduction of unsound corn into Mark-lane since February last:—

Week ending	February 12 ..	262 quarters.
—	February 19 ..	130
—	February 26 ..	575
—	March 5 ...	96
—	March 12 ..	150
—	March 19 ..	354
—	March 26 ..	601

This account gave an average of 309 quarters weekly. His informant stated, that with little exception, the whole of this wheat had been sold for starch, and not for food; and as a proof of the effect which a quantity of this injured wheat had upon the market, his correspondent mentioned, as a fact notorious at Mark-lane, that 1,800 quarters of this description of wheat, sold by one house in two weeks ending April 7th, 1840, had the effect of lowering the average for that week 7*s*. 4*d*. per quarter. He was informed that, owing to the state of the harvest in Scotland, a very small quantity of the best Scotch wheat was at present sent to our market. It had been discovered that unsound grain was a prolific source of disease. At one period rye was extensively used for human food, not only in this country, but on the Continent, and it was found that in places where it was used, an epidemic prevailed, one effect of which was to produce gangrene of the extremities. The subject was investigated by medical men, and it was ascertained that the epidemic was produced by a disease in the rye. A medicine had been formed from that grain which was one of the most potent and pungent medicines in the *Materia Medica*, and its effect on the nervous system, especially in the case of females, was most powerful. A medical man had traced the malignant cholera of India to diseased rice; and had found that whenever rice bore a purple colour, it was invariably dangerous to the human constitution. Experiments had since been made in this country, and many facts had occurred to confirm the statements of the gentleman to whom he alluded. He thought it was the duty of the House to endeavour to prevent noxious materials from being introduced into articles of human food. He did not mean to say, that his proposition would have the effect of preventing unsound grain from being used, but it would prevent the averages from being affected by the sale of such grain. Wheat was, in some states, subject to precisely the same disease as that to which he had referred as affecting rye. He hoped the Government would not resist the clause he had proposed.

Mr. *Hawes* seconded the motion. If it were as was said, the object of the law to give a certain protection to the farmer while no injury was done to the consumer, it was of great importance that the price of that wheat only which was fit for human food, should determine the averages. He thought the right hon. Baronet could not consistently oppose the proposition.

The clause brought up, and read a first time.

On the motion that it be read a second time.

Sir *R. Peel* said, the proposition required a great deal of consideration. The clause would have no effect in preventing the use of bad food. The other night, two specimens of corn had been produced which had been sold in the London market on the same day; one of a sample of very superior corn had been sold at 80*s*., the other, a very inferior sample, had been sold at 36*s*. The effect of the proposition of the hon. Gentleman would not be to exclude that inferior sample, and those two specimens had been each an extreme. The effect of the clause would be very considerable upon the averages. If he were to select the finest bushel of corn he could find, and sold it in the market, he would have the opportunity, under this clause, of excluding all the corn from the returns of sales which did not amount to a third of that price. He might not sell this *bonâ fide;* but, if it were stated to be sold, that was to govern the market. This was really opening a wide field for speculation. If they were to attempt to lay down such a rule as that, all corn sold below 30*s*. or below 40*s*., should not enter into the averages, the effect might be calculated; but to say that it should be in the power of an individual to sell a bushel of corn so selected and picked out, and that he should thereby exclude all the returns of corn sold that was not a third of that price, was opening a wide field for fraud. If the highest priced corn sold did not fetch more than 70*s*., then a very low priced corn would be admitted; but if a fair specimen of corn were sold, which brought 90*s*. or 100*s*., such low priced corn could not be admitted. Such a clause would produce the greatest uncertainty, and with such a power as this given for influencing the averages, the most injurious effects might be produced.

Mr. *Wakley* said, when he had brought forward the clause, he had fully intended taking the sense of the House upon it; but after the remarks of the right hon. Baronet he thought the clause required further consideration, and he thought the right hon. Baronet would render a great public service if he would take the subject into consideration, and prevent the market being inundated by such horrid stuff as the wheat which had been exhibited.

Mr. *Hardy* said, the right hon. Baronet had before taken the subject into his consideration on his (Mr. Hardy's) suggestion.

Motion to read the clause a second time, negatived.

On the question that "This bill do pass."—

Mr. *Cobden* said, he should be sorry to be present when the bill was passing without entering his protest against it. He ventured to denounce it as a robbery of the poor, without any compensation being given to them for the robbery. He ventured to predict that the people would not waste their time in future by petitioning that House for the repeal of the bread-tax; but that they would present their petitions, signed by millions, at the foot of the Throne, praying her Majesty to dismiss that House of Commons, and praying her to give the people an opportunity of giving an opinion as to this bread-tax. A system of promises, of chicanery, of trickery, and delusions, such as were never practised before, had led the electors to return members who would never be returned again; and he ventured to say, that the premier dared not take the sense of the people on this tax.

Bill passed.

House adjourned.

HOUSE OF LORDS,

Friday, April 8, 1842.

MINUTES.] BILLS. *Public.*—1^{a}. Corn Importation.
Private.—1^{a}. Stanhope and Tyne Railway.
2^{a}. Duke of Bedford's Estate (H.C.); Mievilles's Divorce.

PETITIONS PRESENTED. By Viscount Hawarden, from Millers in Galway, against the Importation of Foreign Flour.—From Merchants of Montreal, for the Repeal of the Duties on Canadian Produce Imported into this country.—From the Ministers, Elders, and others of Larne, and Iver, and other places, that all Marriages solemnized by a Presbyterian or Dissenting Minister between parties Members of the Church of England and Presbyterians may be considered Valid.—From Kileluf, Saul, Comber, Kilpipe, Kilninor, Skreen, Carnew, and other places, for the Encouragement of Schools in connexion with the Church Education Society (Ireland).—From William Henry Clarke, against the Abolition of Day Rules for Prisoners in the Queen's Bench.—From the High Sheriff and Members of the Grand Jury at Wicklow, against the proposed Alteration of the Duty on the Importation of Foreign Cattle and Corn.—By the Earl of Derby, from Tamlaght, against any further Grant to Maynooth College.

Adjourned.

HOUSE OF COMMONS,

Friday, April 8, 1842.

MINUTES.] BILLS. *Public.*—*Reported.*—Indemnity.
Private.—1^{o}. Warwick and Leamington Union Railway; London and Croydon Railway; Grange Road Approaches (No. 2); Bolton and Preston Railway.
2^{o}. Forth and Clyde Navigation; Glasgow Police (No. 3); City of Glasgow Life Assurance and Reversionary Company; Cambuslang and Muirkirk Roads; Ross and Cromarty Court Houses.
3^{o}. Stanhope and Tyne Railroad Company.

PETITIONS PRESENTED. By Mr. Greene, from the Postmasters of Lancaster, for a Reduction of the Post-horse Duty.—By Mr. Hardy, from Elgin, Clonmeesh, Weyhill, Abbeydore, Salisbury, Dudley and Bristol, against any further Grant to Maynooth College.—By Mr. C. Bruce, Capt. Gordon, and the Marquess of Granby, from Elgin, Aberdeenshire, Forfar, Stamford, and Bassington, against the Introduction of Foreign Cattle and Meat.—By Mr. Plumptre, from the Fruit Growers of East Kent, for Protection.—By Lord F. Egerton, from Bury, in favour of Sir Robert Peel's Financial Scheme, and that it may pass into a law.—By Mr. T. Duncombe, from Persons in the Metropolis and Halifax, against the Reduction of the Duties on Foreign Boots and Shoes.—From Ballymore, Donagheady, and Ardrahan, for Alteration of the present System of Education (Ireland).—From Edgbaston and Derby, against the Boroughs' Improvement Bill (No. 2), and against the Buildings' Regulation Bill (No. 2).—FromBristol, and the Peninsula and Oriental Steam Company, that Coal Exported in British Ships trading under the British Flag may be Exported Free of Duty.—From Whitehaven, Newport (Monmouth), Bideford, Barnstable, and other places, for Equalisation of the Timber Duties.—From South Shields, for a Law declaring Merchant Seaman's Wages for Labour due, although their voyage should not be performed, owing to unavoidable Shipwreck; and for Carrying into effect the Recommendations of the Select Committee of 1840, concerning the Merchant Seamens' Fund.—From Durham, for the Repeal of the Duty on Hawkers' Licenses.—From Haverhill, for the Continuance of the Protection to the Straw Plait Manufacturers of England.—From Newbury, against the Corn Importation Bill, and the Importation of Cattle and Provisions.—From Manchester, Ribchester, and Bishop Auckland, for the Repeal of the Corn-laws.—From Brighton, and other places, for the Reduction of the Duty on Marine Insurances.—From the Clergy of Dublin and Glandelagh, for Alteration of the Laws of Marriages (Ireland).—From Bristol, for the Exclusion of Roman Catholics from Parliament.—From South Shields, for Amendment of the Act 7 Will. IV. and for the Regulation of Benefit Building Societies.—From the Chairman of the West Derby Union, for Alteration of the Poor-law Amendment Act.—From Meath and Trim, for Encouraging the Importation of Grain, in Preference to Flour and Meal.

INCOME-TAX — PETITIONS.] Mr. *T. Duncombe* said, he had a petition to present from 308 persons residing in the metropolis who gave their reasons why they disapproved of the proposed Income-tax. One was, that it was not just to tax incomes derived from trades and professions in the same proportion as those which arose out of permanent property; and they also declared, that if the proposed bill were passed for three years they had little doubt that it would be continued for a much longer period, and the amount of the tax which it levied increased. He moved, that this petition be brought up.

The *Speaker;* It is contrary to the practice of the House, that such a petition should be received.

Mr. *T. Duncombe* thought, with the utmost respect for the right hon. Gentleman's authority, that it was within the power and discretion of the House to reject or accept a petition of the nature of that which he presented. There was no rule—no standing order—to prevent the reception of the people's petitions by that House. He admitted, that yesterday the resolution which he had proposed for the discontinuance of the practice of the House, namely, their not receiving any petitions pending the consideration of a tax, had been negatived. The House, by a very narrow majority, and at the instance of her Majesty's Government, rejected his proposition; but, as there was no standing order—no resolution of the House on which to ground the custom which had been confirmed by last night's vote, but only the obsolete, absurd, and cobwebbed practice itself—though he should be the last person to endeavour to fly in the face of any standing recorded opinion of that House—he thought the departure from this practice in various instances, clearly shewed that the House had the power of receiving or rejecting the petitions of the people as it thought fit. He admitted, that the usage had been such as was last night insisted on; but it took its rise in the most corrupt times, when Walpole was Minister, and it continued up to the time of the Reform Bill, during all which period the Minister enjoyed more power, the House was more corrupt, and the majority of course more pliant. But in 1815 Sir W. Curtis, pending the consideration of the property-tax, offered a petition to the House, and the House divided on the question whether it be received on the very ground on which the Speaker had now intimated, namely, the existence of a practice to the contrary. In 1816, another petition was brought up by the sheriffs of London, and Sir W. Curtis having moved that it be received, the proposal was agreed to. He considered, on the whole, that the practice was more honoured in "the breach than in the observance," and he should certainly take the sense of the House on the question, whether this petition be received or not.

The *Speaker*: I have already stated what has been the practice of the House with regard to such petitions as the present; but of course I cannot insist on the continuance of that practice if the House should think fit to alter it. I do not think, therefore, that the hon. Gentleman can be denied the power to make the motion which he has submitted.

Mr. *R. Palmer*: He must say, that had he been in the House last night, he should in all probability have voted with the minority. He really could not see the object of retaining a custom which failed completely in answering its ostensible object; for the hon. Member for Finsbury had now done as much as if the petition were formally laid on the Table of the House. The hon. Gentleman had stated the place whence the petition proceeded, the number of those who signed it, and its prayer. There must be some grounds of which he was not aware for continuing a practice which struck him as of a nugatory character, and he should be glad to hear from the right hon. Gentleman in the Chair, what reasons could be alleged in justification of the custom.

Mr. *Kemble* was not present at the debate last night, and if he had been, he had considerable doubt how he should have voted. But this he did say, that when it was known that the public business would not commence until five o'clock, and after a decision had been solemnly come to on this question, it was a most unfair proceeding to come forward in the strong force in which those opposite had evidently mustered on that occasion. It was impossible to see the array on the other side, without coming to the conclusion that an effort had been made for the purpose of collecting a great number of hon. Members to support the motion. It was not fair, after the discussion of last night, to try and get rid by a side wind of the resolution which had been come to, and when the Speaker had declared it was contrary to the usage of the House. Under these circumstances he should move that the debate upon the subject be adjourned till Monday.

Sir *H. Hardinge* must declare, after the decision which had been come to yesterday evening, that it was an unparliamentary proceeding to come down to the House that evening, and before the usual hour at which public business commenced, to attempt to set aside that decision. He hoped, therefore, that the hon. Member would not persist in his motion, but would adjourn his proposition till Monday.

Mr. *O'Connell* hoped his hon. Friend would not consent to postpone his motion. As to the idea of meeting the question by "a side wind," the charge was wholly unfounded, for this motion met the difficulty directly. So far, again, from its being unparliamentary to receive the petitions of the people on money grants, it was the very foundation of all their proceedings and of all their privileges. We should never have had a Parliament but that Englishmen were jealous of their hold on the purse-strings of the nation; and it was certainly most ridiculous that it should be a maxim of the constitution, that you could not vote a shilling without the consent of the representatives of the people, and yet prevent that people from making known their wishes to their representatives. The practice was directly contrary to first principles, and he came down for the very purpose of opposing its continuance. He had the misfortune to be shut out yesterday, and he came down that day for the sake of remedying the omission. And without the slightest disrespect to hon. Gentlemen opposite, he hoped his hon. Friend would persevere until he succeeded. He felt embarrassed lest the Speaker should decide otherwise than he had, and in that case he would submit to the right hon. Gentleman's decision; but as the right hon. Gentleman left the House to decide, he trusted an end would be put to the question. Taxes of all things most affected the interests of traders and professional people; and ought not they on such a subject to be heard by their representatives? He hoped it would not be considered a party question, and that they would only consider what was their duty to their constituents; and for his own part he would, under any circumstances, have supported the view he was now advocating.

Mr. *Kemble* wished to explain. He had said nothing with regard to the question, but he complained that after the decision they had come to last night, the question should be sought to be carried by a side wind.

Colonel *Sibthorp* had last night voted for the hon. Member for Finsbury, but after his motion had been lost by such a majority, he did not think it altogether fair to seek to upset that decision in the manner the hon Member now proposed it. It was not consistent with the open and manly course which that hon. Member always took, and he should therefore vote against his proposition to-night.

Mr. *Lambton* had supported the motion of the hon. Member for Finsbury last night, but after the decision which had been then come to, as to what the practice of the House was, he protested against the present proceeding, as being rather an unfair way of obtaining, by a side wind, a reversal of that decision. Let the hon. Member bring forward his motion on a future day, and he would support him on a question which involved the security of the people, and their right to petition that House, but he would not lend himself to upset the rules and regulations of the House by a side wind.

Mr. *R. Palmer* thought it would be more consistent with the course in which business was carried on in that House if the hon. Gentleman would give notice for a future day, and let the subject receive the discussion which it deserved.

Sir *R. H. Inglis* contended that, in common courtesy, the hon. Member for Finsbury, in attempting practically to reverse the decision of the House, ought at at least to have given notice of his intention last night, so that the House might have been in possession of his intention to present a petition, on the reception of which the whole question was to be re-argued and again decided. Of that no one would have complained. But after the expression of opinion last night, he ought not, without any communication to hon. Members except to his own friends around him, again to raise that great and important question. He should vote for the adjournment; and he trusted that, with the assistance of the hon. Member for Durham, whose speech was so effective, and with whom he entirely concurred, the object of the hon. Member for Finsbury would be frustrated.

Captain *Pechell* said, that perhaps the hon. Member for Finsbury, might not have had an opportunity of giving notice of his intention to present the petition. Members on that side of the House usually presented petitions as soon as they received them. He hoped that the hon. Member would persist in his motion for bringing up the petition. He might, perhaps, pursue the same course with respect to a petition which he had in his possession. At the same time he begged to disclaim any want of courtesy to the Speaker.

The *Solicitor-General* said, that without discussing whether the practice was a wise one or not, it had been the practice of the House for the last 100 or 150 years to reject petitions such as that which the hon. Member for Finsbury now offered to the House. The House last night decided that it would adhere to the practice. It was doubtless competent to any hon. Member to bring the subject again under the consideration of the House; but he ought in fairness to give notice of his intention. Let the House consider the inconveniences which must result from such a course of proceeding as that which the hon. Member was now pursuing. The whole of their proceedings were regulated by usage and practice. The practice with respect to bringing on particular kinds of business on particular days, as with respect to the priority of business, and upon various other points, might be assailed in the same manner as the hon. Member was now assailing the practice respecting the reception of petitions. It was unprecedented in the history of Parliament, that when the House had on one day decided upon adhering to a particular practice, a Member should come down on the following night, and, without notice, take a step in direct violation of that practice. He could not believe that even those Members who concurred with the hon. Member for Finsbury in disproving of the practice respecting petitions would support him in his present attempt.

Lord *J. Russell* was one of those who were not aware of the hon. Member's intention to propose that the petition should be received. He agreed with the hon. and learned Solicitor-general, that without reference to this particular case, but with respect to the general usage and forms of the House, that a motion which had been once rejected by the House should not be again brought forward without notice. He disapproved only of the manner in which the question had been brought forward, and not of the question itself. He thought it was not only competent to the hon. Member to bring the question again under the consideration of the House, but that it was reasonable he should do so. The mere fact that the practice of rejecting these petitions had continued uninterrupted for 150 years was sufficient to induce the House to negative the motion which the hon. Member brought forward last night; but the House ought again to consider the question, and to weigh the reasons on which the practice stood. On these grounds he hoped that his hon. Friend would consent to the adjournment of the debate.

Mr. *Aglionby* concurred in the recommendation for the adjournment of the debate. He thought the question was one of the greatest importance, but he would scorn to obtain his object by a side wind. The opposition to the reception of these petitions would prove unavailing. He hoped that every Member who had such petitions to present, would give notice of their intention to move that they should be received, and bring them forward over and over again. The question was one in which the people were much interested, and it could not be smothered, even by a majority of thirty-one.

Mr. *T. Duncombe* said, he had stated at the outset, that if there existed any order or rule of the House—any *lex scripta* to justify the rejection of these petitions, he would be the last person in the House to fly in the face of it; but there was nothing of the kind to be found. It was not true that there was an uninterrupted stream of precedents in favour of the rejection of the petitions, for the debate of last night showed that there were precedents both ways. He had shown that in 1711 petitions of this kind were not only received, but submitted to a committee of the whole House, when there was under consideration a bill for levying taxes to the amount of 1,500 000*l.* The right hon. Baronet quoted two or three precedents in 1795 against the presentation of such petitions; but if the right hon. Gentleman looked to the year 1815, he would find that those petitions were not rejected *nemine contradicente.* In that year, on a division respecting the reception of a petition of this nature from the City of London, the numbers were, if he were not mistaken, 107 to 59 against the reception. Their rules and precedents, unless based on common sense and justice, and supported by public opinion, amounted to nothing, and ought not to be attended to by the House. The hon. Member for Surrey found fault with him, because hon. Gentlemen came down to the House and seemed prepared to support the presentation of the petition. The hon. Member complained, he supposed, because he had not whipped up the Carlton Club for the occasion. He certainly had stated to several of his friends, that the question should not stop where it was: and it should not so stop. Unless they laid down a standing order against it, day after day, when any of his constituents or any other portion of the community placed a petition, such as the one now objected to, in his hands, he would place that petition before the House, and the odium of its rejection by the House should rest upon the majority. He agreed most willingly in the suggestion of adjourning the subject to Monday next, when at five o'clock he would ask the House whether they would receive the petition, which till then he should keep in his possession.

Mr. *M. Gibson* wished to know what distinction was drawn between the duties on corn, and a tax on income?

Sir *R. Peel* said, that the duties on corn were not proposed in a committee of Ways and Means for the service of the year, and therefore the general rule respecting the presentation of petitions applied to them, whereas the Income-tax was proposed for the service of the year, and the practice was not to receive petitions against propositions of that nature.

Debate adjourned.

AFFGHANISTAN.] Mr. *Escott* wished to know whether the right hon. Baronet at the head of the Government could, consistently with the interests of the public service, make any statement relative to the circumstances which had led to the war in Affghanistan, or any facts which would enable Parliament to decide on the justice and policy of that war.

Sir *R. Peel* said, that several extracts from official documents respecting the war in Affghanistan were laid before the House some time since. Those extracts conveyed all the information which it was at that time expedient to furnish. With respect to the events which had more recently occurred, the information received by the Government, except with respect to the melancholy facts which were before the public was exceedingly imperfect. The causes which had led to such an enormous loss of life, as well as the motives of those who had entered into the capitulation, were very imperfectly known, and the information which the Government possessed upon that point was obtained rather from private sources than official communications.

ENOCH CHAPEL.] Colonel *Fox* begged to call the attention of the right hon. Baronet the Secretary for the Home Department to a matter which he considered to be of considerable importance. The House would recollect that, about a year ago, the notice of the House was called to a nuisance arising from the number of bodies buried beneath the floor of Enoch Chapel. The Chairman of the committee for the improvement of towns, in company with him and other Members, had recently visited the chapel, for the purpose of inspecting it. They were informed that upwards of 1,200 bodies had been interred beneath the floor of the chapel since 1824, in a superficies of sixty feet by thirty, certainly not so large as that House. The floor was composed of planks merely, without any brick work, and yet this building had been let as a school for Roman Catholic children, and was to be opened for that purpose on Monday. He wished to know whether the right hon. Baronet could take any steps to prevent the disastrous results which might be expected to result from the application of the building to such a purpose.

Sir *J. Graham* said, that until the hon. and gallant Member courteously intimated his intention of putting his question, he was unacquainted with the subject. He doubted whether he had authority to prevent the building being applied to the purpose stated, but he would exert his influence for that object.

INCOME-TAX—REPORT.] Sir *R. Peel* moved the Order of the Day for the bringing up of the report of the committee of Ways and Means.

Lord *J. Russell* rose, and said: The House being already informed that the proposition for the imposition of an Income-tax has been agreed to by the committee of Ways and Means, and the House having already decided, in conformity with ancient practice, that no petitions against it shall be received, on the ground that the House has the tax under consideration, I conceive, that before bringing up this report, I am justified in moving a resolution which shall convey my sense of the present state of our financial and commercial affairs, and of the remedy which ought to be applied to it. If it has ever been the misfortune of a Member of the Opposition to take a gloomy view of public affairs, and to depict to the House, in melancholy tints, the future prospects of the country, that is a task from which, at the present moment, I am happily relieved. On the contrary, I am disposed to think, that with respect to the financial part of the question, the Government have taken too serious a view of the difficulties of our situation, that they have miscalculated as to the nature of the evil which now afflicts us, and that the remedy they propose, though not totally inapplicable, is beyond and beside the occasion. The view which the Government take, as I understand it, is, that our financial difficulties—the enormous deficiency as it was called one evening—form the great evil which ought to be remedied by the imposition of an Income-tax, whilst, as subsidiary measures, it is proposed to make alterations in the laws with respect to the importation of corn, raw produce, and manufuctures, which the interest of the country may seem to require. Now, my view, speaking generally, of the situation of the country, is, that our financial difficulty calls for no such extraordinary effort as has been proposed; but that there are serious difficulties affecting the commercial and manufacturing position of the people, and affecting our situation as regards trade, and the future stability of our manufactures. It is, in my opinion, to the second object rather than to the first, that we ought to direct our chief attention, and in that quarter our chief remedy should be applied. Let me observe, that the deficiency for the year for which we have to provide is stated by the right hon. Baronet at about 2,570,000*l.*; but the total amount which he proposes to derive from the Income-tax, from the taxes to be applied to Ireland, in order that that country may bear at least some portion of the burden, and from the duty on the export of coals, is about 4,381,000*l.* It is not, therefore, on account of our financial difficulty—it is not on account of the deficiency of revenue as it stands, and as it is stated by the Government themselves, that the great effort proposed is necessary. In order to place in a clear point of view the existing necessities of the State, I must refer to former occasions on which an Income-tax has been proposed, and on which the House of Commons assented to the proposition by large majorities. The difficulty which we had to encounter, as far as the finances were concerned, when an Income-tax was first proposed, was of this nature. We had for several years been engaged in war, and were every year adding to the amount of the public debt by borrowing money on very disadvantageous terms. In the year before the Income-tax was imposed, a loan of 15,000,000*l.* had been raised. An addition having been made to the assessed taxes, it was enacted that any one who might become liable to taxes amounting to more than one-tenth of his income, should be exempted from the overplus. In the following year, notwithstanding additional taxes to the amount of 4,000,000*l.*, there was a deficiency of no less than 10,000,000*l.* The pressure of the war required extraordinary efforts, and the minister of that day, having the House and the country with him in his determination to carry on the war, thought it necessary not to go on incurring debt, and anticipating the resources of posterity, but asked the country by a new effort to make the income more nearly equal to the expenditure required for the war. When peace was concluded, Mr. Addington proposed at once, that the Income-tax be discontinued. Although the original tax had been made liable to the debt for several years, Mr. Addington thought it necessary to abolish the tax immediately after the declaration of peace. On the country becoming again engaged in war, the tax was again imposed, and with the same view as before—namely, to prevent too rapid an accumulation of debt. In 1806 the amount of the tax was raised to 10 per cent. But in that year loans had been made to the extent of ten millions, and in the previous year to the extent of twenty millions. To prevent so prodigious an accumulation of debt on posterity, the Government of that day thought it their duty to propose an increase in the Income-tax. At the peace, a proposal was made by the Government to continue the tax for two years longer, with a view of paying off a portion of the debt, but the proposal was resisted by Members on both sides of the House, and was eventually defeated after a discussion that lasted for several weeks. Thereby, as Lord Brougham has expressed himself in the introduction to one of his speeches, it was finally established as a principle, that the Income-tax should be a tax to be reserved only for the exigencies of a war. Many years afterwards the question was brought again under discussion, at a time when there was a great pressure on the finances of the country. In 1833, the motion for a reduction of the malt-tax having been carried, and a motion for a further reduction of the house and window-tax being under consideration, Lord Althorp represented that the deficiency which would be caused in the revenue by a repeal of the malt-tax, and by a reduction of the House and window duty, could be supplied only by the imposition of an Income-tax. On that occasion Lord Althorp made several statements on the subject. With regard to the general proposition, Lord Althorp said :—

> "I do not think it would be prudent to have a very small property tax. If the system is to be adopted at all, it ought to be adopted as a system, and on a sufficiently extensive scale to allow of extinguishing several minor taxes. It would be desirable, in the situation in which this country is placed, never to raise less than 10,000,000*l.* or 12,000,0000*l.* by a property tax, to be imposed as a substitute for other taxes. This, it is quite clear, must be a property-tax applying generally, as stated in my resolution.
>
> "There are many hon. Members in this House who remember the last property-tax; there are, perhaps, also many who do not recollect the feeling which then existed in the country on this subject. Speaking, however, from my own experience, I do not remember any tax that ever existed so unpopular as the property-tax in 1816, the repeal of which was received with universal acclamation. Why, therefore, are we to suppose that it would be more popular now than it was then? Gentlemen talk of modifications and changes; but if it be intended to raise by it a large sum of money as a substitute for a large portion of taxation, it is impossible that it should not bear on every class of the community—it is impossible to lay it on one class and exempt another.
>
> "If inquisitorial powers are spoken of, where will you find inquisitorial powers greater than those which were then exercised? That tax was most objectionable on account of the injustice and fraud to which it gave rise, and the false returns which were constantly made—and it was, consequently, detested by the whole country."

The right hon. Baronet the Member for Tamworth, on the same occasion, expressed his opposition to such a tax in the strongest terms.

> "If a property-tax were imposed," the right hon. Baronet said, "there must also be an Income-tax."

In quoting his words on this occasion. I do not mean to argue that the right hon, Gentleman made use of any expressions at all inconsistent with the course he is now pursuing. The right hon. Gentleman went on, however, to say, that if either a property-tax or an Income-tax were imposed,

> "There must be a rigorous inquisition into every man's property as a necessary concomitant."

That, Sir, is in perfect conformity with the proposition now made by the right hon. Gentleman, but it is much at variance with the idea of some persons, who think it practicable to have an Income-tax, and yet to get rid of the inquisitorial scrutiny into private affairs. The right hon. Gentleman further said, and said most truly, that an Income-tax,

> "Unaccompanied by severe and unsparing scrutiny into private affairs, would encourage fraud and perjury."

If men were not afraid of a severe examination, the honest would have to pay the tax to its full amount, while those guilty of fraud would comparatively escape the tax. From what I have already said, it follows that when this tax was imposed, it was imposed for the purpose of supplying deficiencies to the amount of some ten or twenty millions in the expenses of the current year. When imposed in 1798, we were borrowing money at 47. Is that our present situation? The present deficiency is not one-twentieth of our whole income. The credit of the country is unimpaired. The three per cents. are at 89 or 90, and money may with ease be borrowed at 3 per cent.; other nations—Austria and Holland, for instance—are raising money at 3 per cent. There is nothing, then, in the present state of the country, nor in the amount of the deficiency, to require so extraordinary an effort. The Income-tax is a resource that we ought to reserve for the exigencies of war, or of a peace accompanied by circumstances equivalent to the difficulties of a war; but it should not be imposed under ordinary circumstances. Let me now, Sir, state, what appear to me to have been the general objections that made the country so anxious to get rid of this tax, as soon as possible after the peace. It appears to me that we ought not to impose a yearly tax on the funds except in the case of such difficulties, that by no means could the requisite resources of the Exchequer be obtained. I am aware that Lord Althorp proposed a tax on the transfer of stock, but I am also aware that his own Friends—I am also aware that his own Friends pointed out to him the impolicy of such a course, while the proposal was vehemently opposed by the hon. Gentlemen opposite as a violation of public faith. The argument I wish to put is, that the funds form a deposit for the savings of the country, and that it is therefore not expedient to lay a tax upon them, if such a course can by any means be avoided. It is of great advantage to this country to have London the chief money market of the world—a state of things which tends very much to increase the wealth of the country. To maintain such a state of things, it is, however, highly important that the funds should be kept free from taxation. If you go too far in taxing the funds, you will run the risk of transferring the chief money market of the world to Amsterdam, to Paris, or to some other town, which would have the effect of transferring to some other country a large portion of the wealth that now flows into England. Another objection which I have to the tax is the admitted inequality of its operation. This inequality of its operation is not denied by any one, and indeed it would be impossible to deny it. It is obvious that if you take three or four persons having each 300*l*. a year, the pressure of the tax may be most unequal. The first may derive his income from some permanent property; a second may be in the receipt of a terminable annuity; while the third may be a person engaged in some dangerous or unhealthy profession, say, for instance, a surgeon in country practice, who lays by a small part of his income as a future provision for his family. In the case of such a man you are taxing capital as well as income. Another man may be engaged in a trade in which his profits are very uncertain; his gains may be inconsiderable one year, less in the next, and in another year he may even be liable to losses greater than his gains, making it impossible for him to lay anything by for his family. Must not the tax in such cases operate with very great inequality? Must it not appear very hard to take from a trader so circumstanced the same proportion of his trading profits as you take from one whose income is permanent and secure? Is the existence of this inequality denied? By no means? The right hon. Baronet not only admitted this inequality, but he went further, and pointed out other inequalities; and he made the existence of other inequalities a ground for not remedying those to which I have alluded, for he said that even if he were able to apply a remedy to the inequalities that had been complained of, others would remain behind, for which it would be impossible to provide a remedy. Thus the right hon. Gentleman only refused to correct one inequality, because he could not remedy so many others that would continue to be inseparable from the tax. But, Sir, are not these reasons why such a tax as this ought never to be resorted to without some overbearing necessity of state? Another objection which I have to an Income-tax is the inquisitorial examination into men's private affairs, which is part and parcel of the tax. This inquisitorial system it is altogether impossible to avoid, for it will be impossible to rely on the declarations of individuals as to the amount of their several incomes. It has been said, that persons ought not to be afraid of having the real amount of their incomes known, but such a declaration appears to me to be most extraordinary in a commercial country. There must be occasions when the publication of a merchant's accounts must be extremely prejudicial to the future course of his affairs, and can it be endured that the principle is to be laid down, thas such a man is guilty of something criminal if he objects to have his concerns inquired into, and his accounts current declared all over the world? The time also at which the tax is now proposed is a peculiarly unfortunate one for the trading classes. From 1797, the currency became more and more depreciated. The effect of this was something similar to what has been described by historians to have been the effect of the sudden and increased influx of the precious metals on the discovery of America. In consequence of this depreciation of the currency the trading classes were then much better able to support taxation. At present the case is very different. There is at present a very great commercial embarrassment. You may hope that trade may recover from this embarrassment, but I cannot say that I see any symptoms as yet of its recovery. At such a time of embarrassment, then, as the present, it may be peculiarly prejudicial to persons in trade to have their affairs exposed and examined into. And that which inconveniences the individual trader, cannot fail to inflict an injury generally upon the country; for you cannot add to the embarrassments of individuals, without adding to the collective embarrassments of the community. Having stated what I think are the general objections to the measure, I shall now come to another point. By the proposed tax, the right hon. Gentleman will obtain a much larger sum than the deficiencies of the country call for; and this consideration brings me to the second part of the Government plan, namely, the change which it is proposed to make in the duties of the tariff. This appears to me to constitute one of the chief difficulties of the country. It was predicted several years ago, by persons well competent to judge on such matters, that this country, having an enormous debt, and therefore necessarily a large amount of taxation, would have to compete in commerce with other countries under great disadvantages. In 1821, Lord Ashburton, then Mr. Baring, stated that the manufacturers of the country had flourished because they did not meet with competition in the markets of the world; but the war having concluded, other countries had had leisure to turn their attention to manufactures, and it would be necessary to enable the country by legislative means to meet that competition. This Mr. Baring stated on presenting the petition of the City of London. The object of the petition was to advocate what at the present day are called the principles of free-trade—namely, a relaxation of commercial prohibitions. Mr. Huskisson, in 1830, expressed himself in a somewhat similar manner. The country could not go on, he said, with the existing Corn-laws, and with the existing prohibitions, now that it had to meet the competition of foreign nations in the markets of the world. It was impossible for English manufacturers to raise their prices in foreign markets beyond what foreign manufacturers were content to sell for. It was necessary that their prices should be reduced, and to that end it was necessary to reduce the costs of production, and to lower wages. This has since been going on—not uninterruptedly; but it has been going on of late years. Still our manufacturers have to encounter those of foreign nations, in foreign markets, under great disadvantage, owing to the taxes and burdens to which they are in this country subjected, and which make subsistence dearer here than in any other part of the world. And what are those burdens? Mr. Deacon Hume stated, in his evidence before the imports committee; and this year I may venture to quote the proceedings of that committee. Last year, indeed, it was a constant subject of taunt, but in 1842 the report of that committee has become a book of authority, and her Majesty's Government are not ashamed to act on it. Well, the late Mr. Deacon Hume, in his evidence before that committee, laid it down as a principle, that if an article that could be had for a shilling was, by any legislative interference, raised to eighteenpence, the additional sixpence was a tax, whether it went into the coffers of the state or not. It is so; it is a tax; and one levied at the cost and expense of the great body of the community. On this principle it was that we proceeded last year, proposing to moderate the duty on a variety of articles of consumption affected by taxes of this kind. We took particular corn, timber, and sugar, as three great articles on which a reduction of taxation might advantageously be made; and we do not wish to avoid our share of the odium that may attach to the present Government, for any similar proposals that they may bring forward. We stated the principle generally, and applied it to those three articles in the first instance. If, therefore, the right hon. Gentleman proceeds with his tariff, I shall act precisely on the same principle on which I declared myself ready to act last year. I then said that we were moving in a vicious circle of protection; that we compelled our farmers to pay a higher price for their colonial produce, for the sake of upholding the interests of our colonists, while we made our colonists pay a higher price for the produce of our own industry, in order to favour our manufactures. In that way, I said, we were moving in a vicious circle of protection, instead of allowing every man to obtain the articles he wanted at the most moderate price, by doing which a benefit would be conferred on all. The first article on which the budget of last year proposed an important modification, and on which the right hon. Gentleman made a very unfounded argument, was sugar. The argument made by the right hon. Gentleman, and repeated by others, was this—If you reduce the duty on any article, you cannot be sure that by an increased consumption you will obtain an increased amount of duty, or even the same amount, for many years to come; and this argument the right hon. Gentleman supported by showing what had been the effect of a reduction of the duty on wine, rum, tobacco, and one or two other articles. Now, this may all be very true, but it does not in the most remote degree apply to the principles on which my right hon. friend proposed last year the reduction of the sugar duties. My right hon. Friend stated, that foreign sugar was subject to a duty of 63*s.* the cwt. From this high duty no revenue was derived, nor was it imposed with a view to revenue, but merely to act as a prohibition. Yielding no revenue, there could be no diminution of revenue, for, except in one or two very extraordinary years, no sugar from any foreign colony has been imported into this country for home consumption. This prohibitory duty my right hon. Friend proposed to reduce to 36*s.* By this he expected to obtain an increased revenue, not merely from the increased consumption to which the reduction of the duty might give rise, but from the amount of duty paid on foreign sugar over and above that paid on the sugar of our own colonies. Supposing, for instance, that a million of hundred weight of foreign sugar had displaced the same quantity of British West-India produce, you might, perhaps, argue that it was unfair to diminish the protection on the produce of our own colonies; but as a question of finance, as a question of revenue, there cannot be a doubt that foreign sugar paying 36*s.* would yield a greater amount of revenue than the sugar of our own colonies paying only 24*s.* The right hon. Gentleman seems to deny that he ever argued that this increase of revenue would not take place, but in that case the right hon. Gentleman has never fairly grappled with my right hon. Friend's proposition. My right hon. Friend stated the other day, that taking the average of eleven years, he would have obtained an increase in the revenue of 587,000*l.*, nor do I see the least reason to doubt the fairness of the estimate. The next article to which we proposed to apply the principle was timber. The right hon. Gentleman proposes to throw away the amount of the timber revenue altogether. I grant that, under more favourable circumstances, if our Exchequer were overflowing, and the only question was what tax we should select for repeal, that it would be a very good thing to make a reduction in the timber duties. In the present state of our finances, however, I own I should have preferred the proposal of Lord Althorp, who, by raising the duty on Canadian timber, at the same time that he reduced the duty on Baltic timber, would have insured a large increase of revenue. According to Lord Althorp's calculation, the increased revenue would have been 750,000*l.* My right hon. Friend, however, estimated it only at 600,000*l.* The third article contemplated in our budget was wheat. My right hon. Friend stated that the 8*s.* duty on the corn imported last year would have yielded an extra revenue of 530,000*l.* The Chancellor of the Exchequer, indeed, says we have no proof that so great an amount of duty would have been paid if the 8*s.* duty had been in force, and then the right hon. Gentleman goes on to say that it would have been a great hardship to the consumer to have exacted from him so high a rate of duty when prices were so high in this country; but so far, Sir, from the consumer being subjected to any hardship, he would have obtained his corn on much better terms than he did, had an 8*s.* duty been in force. It is on record, that the foreign wheat in bond increased in price 22*s.* between May and September. How much more advantageous, then, would it have been to the consumer to have paid an extra duty of 8*s.* rather than an increased price of 22*s.* Had the measure proposed by my right hon. Friend been in force, all this wheat would have been imported at a much earlier period, to the decided advantage of the consumer, and the whole of the 8*s.* would have been paid over to the revenue. That duty would, in point of fact not have fallen on the consumer, but on the foreign producer and the importing merchant, who derive the chief benefit from the absurd law, which I am glad is about to be repealed, though by one which is not much better. And here I hope I may be permitted to reply to an observation made last night, as to a change which I have been supposed to have made in my proposal for a fixed duty. My proposal last year was to impose a fixed duty of 8*s.* on the importation of foreign wheat, but I stated, at the same time, that in times of severe pressure, it might not be found possible to enforce the duty, and I, therefore, proposed to empower her Majesty's Government to suspend the duty by a decree in council in case of severe pressure. This proposition was not founded on a belief of actual benefit to the consumer; but with the strong opinions that were expressed last year by the opponents of a fixed duty, and with the interests that might combine to force up the price of wheat in case of scarcity, I thought it desirable to have the means of counteracting the discontent to which such circumstances might give rise. My view was to have the law in such a state that the fixed duty might be restored as soon as the pressure ceased. With that view I stated that when the prices became high—the prices of a time of scarcity—which I should not contemplate to be of frequent recurrence, we might provide by law for the contingency. I must say, it appears to me, that with a fixed duty, you ought to look in some way or other to its being taken off in a time of great scarcity. But that would not prevent the operation of the law being such, that there would be a supply of corn in the country sufficient to keep the prices moderate. The amount of the three articles was thus stated by my right hon. Friend:—Sugar, 587,000*l.*; wheat (leaving out the other kinds of grain, because I do not think you could calculate upon a great increase of revenue from them), 530,000*l.*; and timber, 600,000*l.*—which would give an increase to the revenue of 1,717,000*l.* This would be an increase to the revenue without adding to the burdens of the people. On the contrary, those taxes, which are paid to particular classes of individuals, would be diminished, while there would be an augmentation of the public revenue, and an increase of the public welfare and happiness, accompanied by no inquisitorial concomitants, no inequality of pressure. The increase of revenue obtained would be from the most legitimate sources—sources the most becoming the Parliament of this country to avail itself of, when legislating for the general advantage. But I must, at the same time, admit, with respect to other articles, taking all into consideration together, that there would be a diminution of revenue. The right hon. Gentleman has taken articles in his tariff as causing a diminution of 287,000*l.*, of which 127,000*l.* is in the article of coffee, Now, in that article, it would appear, that the right hon. Gentlemen has again made an unnecessary tax; he has made a difference of no less than 100*l.* per cent. between colonial and foreign coffee; a difference, I must say, much greater than I think necessary. My noble Friend near me had stated, that for the purpose of revenue you might keep on 6*d.* or 9*d.*; but if you did not do that, the proposition under the consideration of the Government, last year, would be a much smaller difference, and making a differential duty of 75 per cent. The loss of revenue on this head would be about 90,000*l.* Add to that, 160,000*l.* for loss on other articles. It would be better, I think, with respect to the sum of 1,717,000*l.*, to leave the larger part of it, in the present situation of the country, for the purpose of effecting a further removal hereafter of duties, and for contingencies that might present themselves in the meanwhile. I should not propose to take the whole of the surplus to supply the deficiency of two millions and a half. But I think this, at least, may be calculated upon—that having a sum of probably 1,200,000*l.* or 1,300,000*l.* in the way of surplus, you might take the 570,000*l.*, and only provide for the 2,000,000*l.* by additional taxation. You would then have 2,000,000*l.* only to provide for. We are now in a different situation to last year. You did not adopt the plan of last year, by which the deficiency would have been supplied; and I think it is necessary now to make some effort, that the public income shall not be inadequate to meet the public charges, and to take effectual means for averting that state of things in future years. But without taking upon myself the office of Chancellor of the Exchequer, it is impossible not to perceive that various persons have suggested different plans for meeting the deficiency; and those suggestions, if not all, at least the greater portion of them, appear to me, I must say, better than the proposal of the Government. There is one proposition that has been made—a proposition, too, which has been mooted in this House—a tax which it is not perhaps desirable to adopt if there is no absolute necessity, but a proposition which appears to me to be based upon sounder arguments, and a tax which appears to me to be fairer, better, and more just than that put forward by the Government—I mean the proposition that has been mooted of submitting the succession of real property [*Loud and prolonged cheering*]—the succession, I say, of real property to the same probate and legacy duty which attaches itself to the succession of personal estate. It has been stated, and, among others, by my noble

Friend Lord Althorp, that, in fact, there was paid upon the conveyance of real property, an amount nearly equal to that paid by means of the legacy and probate duty upon the succession of personal estate. This may, perhaps, be true, but still it leaves a large portion of real property altogether untouched, because there is a considerable amount of landed estate in this country which has gone on descending from father to son in uninterrupted succession for perhaps, 150 years or more, and to which estate, therefore, none of these duties upon conveyance have attached. If, then, you put it on the ground of necessity—if you must have a new tax—I cannot see the reason why such a tax as that I have just mentioned should not be adopted in preference to the Income-tax. Then there are taxes you have repealed—not taxes upon articles of consumption, but assessed taxes, such as those upon four-wheeled carriages, servants, *&c.*; and I see no reason, if there be this necessity for new taxation, why you should not reimpose such taxes. A great amount of those taxes, about 26,000,000*l.*, has been taken off, of which 2,100,000*l.* were taken off the assessed taxes. The right hon. Gentleman had before him the result of the taxation of 1840, and he said that in that year the rate of the assessed taxes having been increased 10 per cent., the actual result was an increase in their amount of 11 per cent. The right hon. Gentleman himself, therefore, showed that the assessed taxes had suffered no diminution, and I for one, when the right hon. Gentleman made that statement, thought he was about to propose a further increase of those taxes, having found that the scheme had produced so favourable a result. I have before me a return moved for by Mr. Herries with respect to the reduction of the assessed taxes, in which it is shown that after the tax was reduced the estimated amount should have been 3,623,000*l.*, whereas it was actually 4,722,000*l.*, thus showing the buoyancy and productiveness of this source of revenue. There is this advantage too in such a proposal over the plan for imposing an Income-tax, that in the latter scheme you set all your machinery in motion for a term of five years. If you then find your revenue has increased, and that your establishments may be safely decreased, you have unnecessarily incurred all the odium, and encountered all the difficulty of imposing your Income-tax. In the other case, you can take off 10 per cent., or 20 per cent., as easily as you laid it on. Lay your tax upon—say windows or carriages, and you can take it off again. But once impose an Income-tax., which is to produce you, as I imagine, 4,000,000*l.* a year—for I think the right hon. Gentleman has underestimated the produce of his tax—you may be quite sure there will be no hurry, on the part of the Chancellor of the Exchequer, to take it off again. It is certain to be continued for three years—it appears highly probable it may be continued for five years—nay, it seems not impossible that it may be continued for five or ten years afterwards. Therefore, what I should urge upon the House, in the first place, is, that this tax has hitherto been imposed only in a time of extreme necessity of the State and during perilous wars, and has been taken off immediately upon the restoration of peace—that Parliament, when such a measure has been proposed, has not thought fit to accede to it in time of peace. I would also urge that this tax is accompanied with inequality of pressure, and inquisition into private affairs, making it, as Lord Althorp said, odious. There are, on the other hand, means of revenue without increasing the burdens of the people. Those might be associated, and made so complete as to supply the deficiency, while they pressed much more justly, equally, and fairly upon the persons upon whom you impose them an addition to taxes which now exist, and which might be taken off whenever the opportunity offered itself. I should not, Sir, despair of the success of this proposition which seems to me so fair and reasonable, were it not that I observe—and it is openly declared and avowed—that the matter to consider now is not to provide for the exigencies of the revenue, not to make up the deficiency in the Exchequer, but that the true business of the House of Commons is to contrive in what manner they may best give support to the administration now in office. Speaking with respect to another measure, the hon. Member for Wallingford stated that he had asked many Members on the other side of the House if they would have agreed to such a Corn-bill as that which they have supported, as emanating from the present Government, if it had been proposed by me. What was the answer of those Gentlemen? They said distinctly that they would not. I see it stated over and over again by Gentlemen to their constituents, that they are opposed to the Corn-bill we have just passed, and which they themselves have just voted for—which they therefore have voted for contrary to their convictions. They have stated also, that they are still more opposed to the tariff—that they thought the farmers' interests would be injured by it. But the question is, not whether the measure itself be wise, or good, or useful, but how they may best support the Government. Therefore, I must say, that these declarations make me, indeed, despair of being successful in my proposition. I think it, however, my duty to make it, and to propose to the House of Commons means by which I think we can avoid the infliction of the tax proposed by the Government. Those Gentlemen who have spoken and voted thus are not satisfied with saying that it is their duty to support the present Government, but they tell their hearers, because the late Government would have proposed a fixed duty, that if the present Ministers were to be displaced they would be succeeded by the bitter enemies of the farming interest. Sir, what right have these Gentlemen to say this? I proposed that scheme—and I am ready to propose it again—with a view to the benefit of the agricultural as well as other interests. I believe if we had an abundant supply of food, the means of purchasing manufactures would be increased; secondly, the manufacturers themselves would have increased means for giving employment, in order that they might send out goods in return for the corn that would be imported here. Thirdly, I believe that the general prosperity that would ensue among the labouring classes in this country, both agricultural and manufacturing, would react upon the agricultural interest, and, stimulated by competition, that interest would improve and advance, the means of production would be augmented, and fresh demands would arise for the production of the soil, so that, perhaps, ultimately prices would be not much less than we see them at the present moment, but that those prices would be concomitant with the general welfare. Sir, if that be my belief, what right have any Gentlemen to call me the enemy of the farmer on account of the plan which I proposed? I proposed what I believed to be a fair system, and by which I thought the farmer would obtain a considerable advantage over the foreign produce. But suppose I had gone much further, even to abolishing the duty altogether, are there not, I ask, men who have been always considered friendly to the farmer who have advocated such a course? Is there any one, I ask, who has shown himself more entirely devoted to agriculture and the interests of the farmer than the present Lord Leicester? Who is there, I would ask, more absolutely devoted to agricultural pursuits, more firmly the friend of the farmer, than Lord Spencer? Both those Noblemen think that even the protection I proposed ought not to be permanent. They think that the agriculturists may fairly and justly start in the race of competition unimpeded. Are those whose names I have mentioned the enemies of the farmer? By no means. Yet there are Gentlemen, whose heads seem to be composed of the same heavy clay as the acres they till, who come forward and call me the bitter enemy of the farmer, because I proposed a somewhat diminished protection to that they have heretofore enjoyed. But, Sir, however that may be, I will ask, have I been the means of deceiving the farmer? In 1839, I published to the world, and declared in this House my opinion, that a moderate fixed duty would be the better system, and in 1840 I avowed myself in favour of a similar alteration in the law. Most of those, too, who were Members of the Government in this House, and several of those who were Members of the other House, likewise declared themselves in favour of the same system. Was it, then, not probable that my noble Friend, then at the head of the Government, but holding different opinions on this subject, seeing what were the sentiments of his Colleagues, would not perceive that a fixed duty would before long be the proposal of the united Cabinet? Were there at that time any petitions of farmers presented to Parliament deprecating any such scheme? Sir, I was not the man to say to the farmers "When my party is in power your present protection shall be continued." I was not the man to hint to them that the Government would be faithless in making that proposal. I was not the man who said that no doubt a Corn-law, with an equivalent protection, would be proposed, and afterwards, in defiance of pledges—in defiance of promises—voted for the change when it was proposed. It is not, therefore, I who am the bitter enemy of the farmers; It is not I who have led him on to the mistake of investing his capital, in the notion that an injurious and vicious law would be maintained for his sole and exclusive benefit, and that therefore he could afford to give rents which the land would not yield. It is not I who have done this. If, therefore, he has been deceived; if he has been injured, let his anger be directed against those who have justly and deservedly incurred it. Let him not, therefore, attempt to vent upon this side of the House, or upon the Members who formed the late Government, that indignation which is so justly excited upon discovering that which, during the last election, was so carefully kept concealed. But let those who have so acted, thinking, I suppose, that the present plan is the best that can be obtained, let them avow their motives, and make themselves responsible for any change their opinions may have undergone. If not, let them bear the indignation they have so justly excited, and the contempt of the country whose interests they have neglected. But is it right, after all, that we should now be about to propose an Income-tax of nearly four millions sterling—a tax so inquisitorial in its character, so partial and unequal in its operation—for the purpose of supporting an Administration? If they can say that it is justified by the public necessity, that the public necessity calls for this infliction, then I am ready to say they are right in facing the difficulty, and imposing upon the country a tax that is unjust and partial, because the necessity cannot be reasoned with and avoided. But if, on the contrary, they are not convinced that it is a case of urgent public necessity—if it be only for the sake of supporting their party and upholding the Administration of the day that they impose this tax, I then say that, although they may be successful in the imposition of that tax at the present moment, they may depend upon it that such a sacrifice of the interests of their country to party views—avowed as it is—avowed as it is with respect to the Corn-law and the tariff, and seeming likely to influence them with respect to the Income-tax—if such views do prevail, they may depend upon it this country, sooner or later—and the time I think will not be long—will say that the House of Commons, which they have elected in other hopes and with other expectations, have betrayed the trust which was so generously confided to them. The noble Lord concluded by moving the following resolution:—

"That it has been stated to this House, on official authority, that the deficiency of income to meet the expenditure of the country, may be estimated, for the years ending the 5th day of April, 1842, at 2,350,000*l.*, and on the 5th day of April, 1843, at 2,569,000*l.* That this House is fully sensible of the evil of a continued inadequacy of the public income to meet the public charges, and will take effectual measures for averting the same in future years. That, by a judicious alteration of the duties on corn, by a reduction of the prohibitory duty on foreign sugar, and an adjustment of the duties on timber and coffee, the advantage of a moderate price to the community may be combined with an increased revenue to the State. That, in addition to those main articles of general consumption, the interests of trade will be promoted by the repeal or reduction of various prohibitory and differential duties, and that extended commerce will improve the revenue, while it gives employment to industry. That the amount of taxes taken off, or reduced, from the termination of the last war, to the end of the year 1836, exclusive of the tax on income, may be stated in round numbers at 23,873,000*l.* That the Income-tax, having been first imposed in a period of extreme emergency, and during a most perilous war, was repealed on the re-establishment of peace, and having been again imposed on the renewal of war, was again repealed in 1816, on the termination of hostilities. That, considering the various means of supplying the present deficiency, without enhancing the price of the necessaries of life, or embarrassing trade, it is the opinion of this House that the renewal of a tax inquisitorial in its character, unequal in its pressure, and which has hitherto been considered as the financial reserve of the nation in time of war, is not called for by public necessity, and is therefore not advisable."

The *Chancellor of the Exchequer* was always in the habit of listening to the noble Lord with great pleasure; but he had experienced a peculiar gratification on the present occasion, because, if any one thing could more than another confirm him as to the propriety of the course which the Government, of which he was a Member had determined to pursue, it was the speech which the noble Lord had made, and the resolution with which the noble Lord had concluded. After having attentively listened to the noble Lord for a long period, and heard all that he had urged in opposition to the measure, and all that he had stated as the alternatives for the House to adopt, he felt more and more satisfied that the House and the country would adopt the proposal which the noble Lord had arrested in its progress by his resolution. The noble Lord said that too gloomy a view had been taken of the present situation of affairs. He begged not to be included among those who had taken that gloomy view of the fortune of the country, for he had never expressed despondency or alarm, nor had he ever said anything which could be construed into a doubt as to the energies and capabilities of the country. But in order not to despond, it was necessary to know the precise situation of affairs, and the Ministers had had presented to them certain difficulties, which in all countries, however abundant in resources, must from time to time occur, and which, if met with vigour and courage, by no means justify gloom and despondency, but on the contrary afford ground for the most sanguine expectations for the future. The noble Lord had told them, and it was the foundation of his argument, that we are not in a state of sufficient emergency to call for a measure of taxation, so productive as that proposed by the Government. He knew not what might be the noble Lord's views of emergency, but he thought he could trace in the resolution itself, and in the speech which had accompanied it, sufficient to justify the measure of the Government. The noble Lord had said that in two successive years the country had had an income deficient in the means of meeting the expenditure by two millions and a half. That circumstance alone called upon the country to make some effectual exertion to equalise revenue and expenditure. He remembered the time had been when the noble Lord looked upon a deficiency with very different eyes. The deficiency of revenue did not arise during the present year alone. It was the result of a continued system of deficiency, continued during six years without an adequate effort being made to meet it. There was danger in the fact, that the deficiency they had now to meet was not of one or two years, but was a continued system. The deficiency went on increasing year after year, and little by little, had grown great at last, and if suffered to continue at the same rate, would, in the end, paralyze the energies of the country. When the noble Lord spoke of a deficiency of two millions and a-half, the noble Lord should look forward to what might be the probable future expenditure which the country might be called upon to meet. The noble Lord had described fairly enough the state in which the Government had been handed over by those who had preceded the present Ministers in office, but he had omitted to add that there was a prospect of increased expense; and, therefore, if ever there was a moment when it behoved them to prepare against deficiency, it was the present. The charges of the war in China might be far more considerable in the future year, and when it was known that there were to be additional estimates proposed with a view to maintain the character and power of this country in her Asiatic possessions, was there any man who could fail to see that the Government were not merely, as the resolution stated, providing for the estimates of the year, but that they were called upon to put the finances of the country in a sound and stable condition, so as to be provided for any danger and contingency that might arise? But superadded to this evil, what was the noble Lord's view of the case? The noble Lord told them that the country was suffering under a laboured and depressed state of trade and manufacture, and that it was the duty of the Government to adopt such measures as should alleviate the distress to which those interests were now exposed. What was the principle upon which the present measure of the Government proceeded? Was it not to afford to the utmost of their power relief and assistance to the trading and manufacturing interests of the country—to amend the laws by which the exports and imports of the nation had hitherto been restricted, and by this means—means most advantageous to the trading and manufacturing interests—to avoid a still greater deficiency of revenue, whilst they repaired that which had been handed down to them by their predecessors? The noble Lord had correctly stated that his right hon. Friend proposed to raise for this object an amount of taxation of about 4,200,000*l.* The noble Lord then proceeded to state that whatever might be the necessities of the country on the present occasion, they were not such as to justify the imposition of a tax upon which he bestowed all the usual epithets of opprobrium to which taxes of every kind were more or less subject, and from which he feared the tax now under consideration could not be expected to escape. The noble Lord had truly stated what was the origin of the Income-tax. With the view of showing that it was a tax that under no circumstances ought to be imposed upon the country, except in time of war, the noble Lord informed the House that the Income-tax originated in a time of pressing emergency, when the country was exposed to all the expenses of a heavy and wide spread war for several years in succession, that it being impossbile to defray the expenses of the country without having recourse to loans, Mr. Pitt, in 1796, found it absolutely necessary, with a view to maintain the credit of the nation, to make a large addition to the existing burdens of the people. Nothing could be more true than that statement of the noble Lord; and if the noble Lord had read the speech of Mr. Pitt on the occasion to which he had referred, he would have found that the fact of the nation's being engaged in war was not the reason for imposing the Income-tax, but that the necessity for resorting to such a measure arose from the circumstance that the credit of the country was so hard pressed as to render it impossible for the Government of the day to avoid contracting fresh loans upon disadvantageous terms. There was no other means of raising within the year the supply necessary for the public interest. It was upon that ground specifically that Mr. Pitt urged upon the House of Commons, and carried through Parliament, first the triple assessment, which was the foundation of the Income-tax, and then the Income-tax itself. When the noble Lord, therefore, told the House that the Income-tax was one which ought only to be resorted to in time of war, he begged to refer him to the circumstances under which Mr. Pitt imposed it. What was the conduct of Mr. Pitt? He pledged the property-tax during peace to the repayment of loans contracted during the war. So far from its being Mr. Pitt's opinion that this tax was one that ought never to be resorted to except in time of war, the obvious inference to be drawn from the manner in which he proceeded was, that admitting it to be a tax that should only be imposed upon a pressing emergency, still it was an impost most effective for maintaining the public credit, and rescuing the country from the difficulty which the want of public credit would occasion. It was true, that at the termination of the war, in 1803, Mr. Addington thought it expedient to repeal the Income-tax, and he did so. The noble Lord said, he was not aware of what provision Mr. Addington, on repealing this tax, made for the payment of the loans that had been contracted during war. He would tell the noble Lord Mr. Addington did not leave loan after loan unprovided for; he did not incur debts without making some provision for their repayment; he repealed the property-tax, and imposed in lieu of it 4,000,000*l*. of other taxes. What were those other taxes? First 2,000,000*l*. upon the malt tax; second 1,000,000*l*. upon imports, third 1,000,000*l*. upon the assessed taxes. In that manner Mr. Addington realised from different sources of general taxation the 4,000,000*l*. previously derived from the property-tax, which at that moment he thought it expedient to surrender. Whether that course were a wise one or not, it mattered little to the present argument to inquire; but when the House was called upon to decide whether, under the existing circumstances of the country, it would adopt a property-tax to very nearly the amount of that for which Mr. Addington made a different provision in 1803, he thought it might well consider whether it would advance the interests of trade and manufacture, which were represented as being in a very depressed condition, if it forbore to enforce a property-tax, and resorted in lieu of it to such measures as Mr. Addington adopted at the time to which he had referred. When gentlemen recommended additions to the assessed taxes as not being burdensome upon the trading and commercial interests of the country, he thought they were labouring under a very great mistake. They would find that in this, as in all other taxes, that portion of it which bore upon the masses of the community exceeded in value—as a financial resource—that which bore only upon the upper and richer classes; and they would see, in the statement of Mr Addington, to which he had been referring, that when that Gentleman brought forward his proposition for increasing the assessed taxes as a substitute for a portion of the property-tax, he declared distinctly that one of the specific objects of the measure he was introducing was, that it would enable him to tax journeymen, and individuals acting as servants in the capacity of shopmen. That was one of the specific objects of the tax, which at that moment Mr. Addington thought it expedient to propose, in order to relieve the country from a corresponding amount of property-tax. The property-tax was renewed on the breaking out of the war, and was again repealed at the termination of the war. He was one of those who, at the close of the war, voted against the repeal of the property-tax; and he did so under the firm conviction, that if Parliament would then have submitted to bear the burden which that tax imposed upon the country for the short additional period that was proposed, and have remitted the duties upon trade and manufactures which pressed so heavily upon the industry of the nation; the temporary sacrifice made by a portion of the community would have been a source of permanent advantage to all. Trade would have increased—manufactures have flourished—commerce would have regained its full activity, and more than the value of the revenue derived from the Income-tax would have been obtained, under a reduced system of general taxation, from the various external and internal resources of the country. But Parliament thought otherwise, and a different course was adopted. The property-tax was repealed. The noble Lord (Lord John Russell) had requested him to give attention to the opinions expressed by one whom the noble Lord referred to as a great authority upon this subject—to the opinions expressed by Lord Brougham. The noble Lord called upon them to pay deference to the authority of Lord Brougham, not on account of the weight due to the opinions expressed by that noble and learned Lord in that or the other House of Parliament—not on account of any thing that had fallen from that noble and learned Lord in any of the multiplied discussions which took place upon the repeal of the property-tax—but because, forsooth, in the introduction to some work which the noble Lord had read, it was stated by Lord Brougham, that a property-tax was one of the resources of a nation that ought only to be resorted to in the time of war. Now, if that really were the opinion of Lord Brougham, he should have been more satisfied with it, or, at least, more satisfied with the expression of it, if, instead of stating it in the preface of some work which might not fall into everybody's hands, he had availed himself of some of the occasions on which he addressed the House upon the subject of the property-tax, to state the reasons upon which he founded the opinion that such a tax ought specifically to be confined to a period of war. If his recollection did not mislead him, the express ground upon which the property-tax was repealed in 1816, was not that it was a tax that ought not to be continued during peace. He thought, that the noble Lord and others who urged the repeal of that tax laid particular stress upon this great point—that the Government of the day, by the aid of the property-tax, were keeping up war establishments in a time of peace. It was because the Government of the day were supposed to have a desire to maintain inordinate establishments that the House of Commons interposed a check, by withholding the means; and those means it deemed to be the property-tax. If he recollected rightly, the House expressed its opinion so strongly with respect to the extent of the establishments at that time, as to compel the Government to refer the estimates to a select committee for revision and correction. If that were the feeling of the House in 1816, when the property-tax was repealed, was it right for the noble Lord to assume that it was because the war had terminated that Parliament was determined on the remission of the tax—was it right to assume that it was not influenced by other considerations, which would have equally applied to other taxes, if, instead of an Income-tax, taxes of a different nature had been resorted to to sustain the expenditure of the country? If the object of the House were to restrain what it deemed to be the extravagance of the Government, would it not have insisted as strongly upon the repeal of any other tax as upon the repeal of the property-tax. The noble Lord (Lord John Russell) next told them, that in 1831, Lord Althorp distinctly stated his unwillingness to propose a property-tax in time of peace, and that from the course which Lord Althorp took upon that occasion there was the strongest argument for enforcing the view which he (Lord John Russell) now laid down, that in time of peace a property-tax ought never to be resorted to. Now, he must say, that with his recollection of what then took place—and he had refreshed his memory by referring to an authority which the noble Lord (Lord John Russell) seemed always to entertain a strong objection to—he meant the Parliamentary Debates, having thus refreshed his memory, he must say, that if ever there were a ground for claiming the authority of a political opponent as the justification of a course which one was oneself pursuing, he had upon the strongest ground a claim upon the authority of Lord Althorp, and a right to say that if the conduct of Lord Althorp were to be taken as a precedent at all, it was a precedent in favour of the adoption of the proposition now under the consideration of the House. What was the state of affairs in 1831? One of the Members of that House proposed to repeal the Malt-tax, and it was in the discussion upon that question that an incidental debate arose upon the property-tax. The malt-tax amounted to about 2,500,000*l.* This tax it was proposed to repeal. What said Lord Althorp? By the by, Lord Althorp was Chancellor of the Exchequer at a time when it was the fashion for that officer to have a surplus of revenue in his coffers, and, upon the occasion to which he was now referring, Lord Althorp stated that, at the close of the financial year, he expected to be in possession of 1,500,000*l.* of surplus. With that surplus of 1,500,000*l.*, it was proposed in that House to take off the malt-tax, amounting, as he had already stated, to 2,500,000*l.* Lord Althorp had, at the same time, proposed to take off a portion of the assessed taxes, amounting to 1,500,000*l.* So that with the sum proposed to be remitted by the Government, added to the sum recommended to be repealed by its opponents, the total loss to the revenue would have been about 4,000,000*l.* To meet which, at the end of the year, there was expected to be a surplus of 1,500,000*l.* Therefore, had the proposal for the remission of taxation in 1831 been effective, the consequence would have been, that at the end of the year, the Chancellor of the Exchequer would have found himself in a deficiency of 2,500,000*l.*, precisely the situation in which the noble Lord and his colleagues had handed over the Government to their successors. What was the language of Lord Althorp in opposition to the proposal? Lord Althorp said, that if the proposition were carried, it would be impossible to give effect to the reduction of taxation which he had already suggested to the House, unless he proposed some plan of a property-tax.

> "If," (said the noble Lord), "I am subjected to a deficiency of 2,500,000*l.*, I must resort to a property-tax to repair it."

Yet Lord Althorp had the alternative of many of those sources of taxation to which the noble Lord (Lord John Russell) now directed the attention of the House as calculated to supply the wants of the Exchequer. But Lord Althorp was in office at a time when, as he had already said, deficiencies in the Exchequer had not been growing up for six or seven years without correction or reparation. Lord Althorp was startled at the prospect of a deficiency of 2,500,000*l.* at the end of the year, and said boldly and candidly to the House,

> "If you place me in a situation to incur a deficiency at the end of the year, I will either abandon my own projects for the repeal of taxes, or else impose upon you a property-tax."

If, then, any inference or any authority were to be derived from the conduct of Lord Althorp, in 1831, it was this—that in a time of perfect peace, with none of the pressure which now existed upon the finances of the country, it was the duty of the Chancellor of the Exchequer to propose a property-tax, as a means of keeping up the revenue, and preventing a deficiency. But, said the noble Lord, (Lord John Russell),

> "Look at what were the circumstances of the country when the property-tax was originally proposed, and compare it with the circumstances under which we are now called upon to impose it."

As he had already said, he did not think that the maintenance of the credit of the country was a question that depended upon whether we were at peace or war. The doctrine that he held was this—that it was at all times fitting to maintain the national credit, and that there might be occasions in time of peace when, even more than in time of war, it might be the duty of Parliament to protect it. The noble Lord (Lord John Russell), contrasting the exigency of the time when the property-tax was originally proposed with the exigency that existed at the present moment said,

> "Mr. Pitt was in a situation which rendered it necessary for him to raise a loan of

19,000,000*l.* Whereas you are only in the situation of requiring a loan of 2,500,000*l.*"

This might be true; but were there no circumstances which gave to Mr. Pitt greater facilities than now existed for raising loans? Were there no circumstances which would give an addition to the public debt at that time a less alarming character than it would assume now? When Mr. Pitt made his statement, showing the necessity for a loan of 19,000,000*l.* he added,

> "4,000,000*l.* of the whole of this sum will be lent from the sinking fund."

There was, at that time, at the command of the Chancellor of the Exchequer, a fund which had been husbanded since the year 1786, and which, at the time Mr. Pitt was speaking, amounted to 4,000,000*l.* Mr. Pitt, then, had a fund upon which, if he were not interfered with, or obstructed in his arrangements, he could rely for the repayment of any loan he proposed to contract. Mr. Pitt had not to contend against the deficiencies which, of late years, had been allowed to grow up so alarmingly, and which drove the Government, at the end of each succeeding quarter, to the Bank of England, to obtain the money necessary for the payment of the public debt. Great as were the difficulties of the period in which Mr. Pitt presided over the finances of the country, yet, when quarter-day came round, he had at his command a fund to which he could resort to meet the expenditure of the time, and in his day there was none of the pressure upon the Exchequer under the head of "deficiency bills," which had been since allowed to grow up. There were at that time two circumstances tending to uphold the public credit, which more than compensated for the higher rate of interest at which money was obtained, as compared with the terms on which it could be procured in the present day. He admitted that the rate of interest at which a government could obtain money was, ordinarily speaking, a fair test of the credit of a country; but it was not the only test: it must be taken, not by itself alone, but in conjunction with other circumstances operating upon public credit. Here, perhaps, he might be permitted to observe, that if there were one thing which appeared to him to be more incumbent upon the House than another, it was this—to watch most carefully the increase of loans during periods of peace. Loans during war were the only means by which hostilities could be carried on with effect and vigour. At such seasons trade was crippled and commerce obstructed—communication with foreign countries uncertain and dangerous—expenses at home increased, and the burdens upon the people severe and oppressive. At such a time a loan was contracted by the Government under the moral certainty that when the time of peace should return the resources of the country would be set free, and additional vigour be given to foreign commerce and domestic trade, new means of communication with distant quarters of the globe be opened, and fresh fields be found for the exercise of the national enterprise in commerce, and skill in manufactures. But when loans were sought in time of peace, what was it that the government had to anticipate? At some period or other it must look to the recurrence of war, and whatever the present means upon which it might calculate for the repayment of its debt, those means would necessarily be crippled and embarrassed whenever war arose, so that instead of repaying the debt, there might be an absolute necessity for increasing it. This led him to remark upon an observation made by the right hon. Gentleman (Mr. F. Baring), the Member for Portsmouth, in one of the early discussions upon the proposition now before the House, and which had been repeated by the noble Lord (Lord John Russell) that evening. The right hon. Gentleman (Mr. F. Baring) spoke of the Income-tax as a weapon that ought to be reserved in the armoury of the state for a pressure of the severest and most stringent necessity. The right hon. Gentleman taunted the Government with having taken out of the armoury of the state this precious weapon, and applied it in time of peace, when they ought to have resorted to other means of meeting the difficulties against which they had to contend. If, under such circumstances as now existed, it were wrong to take out of the state armoury the weapon deemed most efficient in time of war, what could be the excuse of a Government which, during a period of peace, should resort to loans, which really and practically could only be regarded as weapons of war, which had for years, almost for ages, been so considered in the history of this country, and which, if wasted in time of peace, could not be resorted to when the hour of extremity arrived? An Income-tax, on the contrary, might, as he contended, be properly applied in time of peace—it was not exclusively a weapon of war. It might be deemed inexpedient to resort to an Income-tax in time of peace; but if it were so resorted to (differing in this respect from the contract of loans), it would lose none of its vigour or value when a period of more stringent necessity arose. What were the objections which the noble Lord (Lord J. Russell) made to a property-tax? First, the noble Lord said—and he rather thought that they were indebted for that opinion of the noble Lord's to the situation in which the last election had placed him, as one of the representatives of the interests of the city of London—in the first place the noble Lord was opposed to the Income-tax because it would be a tax upon the merchant and the fundholder, upon whom he held it to be very inexpedient to impose any such burden. If, indeed, this tax were one which directed itself against funded property alone, it would not only be objectionable for the reasons which the noble Lord had stated, but objectionable in a higher degree—as a breach of faith with the public creditor, and as calculated to impair the credit of the country. But, applied as this tax was to funded property, only in common with every other description of property, he could not see that it was open to the objection which the noble Lord had stated. He did, indeed, remember that in 1831 it was proposed to levy upon funded property a specific tax, under the title of transfer duty. He remembered opposing that tax, and he remembered that it was opposed by many other Gentlemen on both sides of the House, upon the distinct ground that it would be a breach of public faith. He remembered that it was supported, amongst others, by the noble Lord (Lord J. Russell), who at that time did not appear to entertain so tender a regard and concern for the interests of the fundholders as he had evinced in the course of the present discussion. He objected to the measure proposed in 1831, because it directed itself solely and exclusively against funded property; but he maintained that the imposition of a tax upon income derived from funded property, in common with income derived from every other species of property, was not in any respect a breach of the public faith, and was not open to any of the objections which were fairly and properly urged against the proposition of 1831. Then the noble Lord (Lord John Russell) said, that in a commercial country like England it was important not to tax the public funds, because it was desirable to make the country the great mart of money concerns, and to draw from all quarters of the globe the capitalist who had money to invest.

> "If you tax the funds (says the noble Lord), you will have all the merchants and men of wealth, who now resort to London to invest their money, going to Amsterdam, or other towns, where the public securities are unfettered by taxation, and where no drawback is imposed upon income derived from funded property."

This was all very well in point of argument; but he had always been taught to believe that one fact was worth a hundred arguments, come whence they might. To the noble Lord's argument he begged to oppose a fact. What had been the effect of the Government proposition upon the public funds? Did the proposition of the property-tax operate upon the minds of the monied men in the city so as to induce them to believe that funded property would henceforth be of less value in England as compared with funded property in other countries? What was the price of the funds when the Government proposition was first submitted to Parliament? Not quite 89. What was the price now, when the measure had not only been debated in Parliament, but discussed and canvassed in every quarter of the country? Upwards of 90. Did this afford any indication of the alarm which the noble Lord had described as prevailing in the money world? Was it possible to infer from the circumstances that the effect of the tax as proposed by the Government would be to depreciate the value of funded property, and to drive from the city of London the accumulated wealth which it had gathered from every quarter of the world? The noble Lord's next objection was, that the Income-tax would operate unequally. Would the noble Lord show him a tax that did not operate unequally? The noble Lord proposed that the money required to meet the exigencies of the time should be raised by a fixed tax upon corn. Would that operate equally upon all classes of the community? Would the noble Lord mention any tax upon the commodities which formed a part of the necessaries of life, such as tea, coffee, sugar, or any other article, which was not as unequal in its operation upon the classes by whom these commodities were consumed as this very property-tax against which the argument or inequality was now so loudly raised? Then the noble Lord objected to the tax as being of an inquisitorial character. He did not pretend to deny that, in order to ascertain the property upon which individuals would have to pay, it would be necessary to make inquiries which in some cases might be embarrassing, and ought, if possible, to be avoided. He hoped that in the bill which, if this resolution were passed, he should have the honour to introduce to the House, he should be able to obviate many of the objections which existed to the former measure, on account of the disclosures which it required of parties engaged in trade. The object he should have in view would be, to give every facility to persons coming under that description to make their payments without any undue disclosure of the state of their affairs, and in this respect he thought he should be able to remove many of the objections which had not unreasonably been felt against the former Income-tax. The noble Lord then objected to the tax, because in the present distressed state of trade it would press with peculiar severity upon those engaged in trade. That might be true to a certain extent, but what alternative could be adopted? What other mode of taxation could be resorted to which would not press upon them more? He had thus adverted to the principal objections which the noble Lord had taken to the proposition. He came now to the measures by which the noble Lord would supply the deficiency of income. The noble Lord, referring to his budget of last year, entirely mistook the view which the Members of the present Government took of the sugar duties, as he proposed to deal with them. Their objection to the noble Lord's proposition was founded upon this, that it would tend to the encouragement of slave-grown sugar. But supposing that the budget of the noble Lord had been adopted, what would have been the result? The noble Lord said, that he should have been able to provide for 1,700,000*l*.; out of which 600,000*l*. had actually been derived from the sugar duties, without any alteration of the law. Having argued that part of the question, however, over and over again, he would shorten as much as possible what he had to state in vindication of the Government. But taking the sum, as stated by the noble Lord, in what situation would the Government have been in? There would still have been a deficiency of 800,000*l*. at the end of 1842, in addition to all those prospective deficiencies to which he had alluded in the outset of his speech. He understood the noble Lord to say, that they would still have about 2,000,000*l*. to make up, even after taking into account the most successful anticipations of the budget of last year. He now came to the mode in which the noble Lord proposed to furnish that sum of 2,000,000*l*. The noble Lord in the latter part of his speech had caused him some difficulty, because the noble Lord had not stated the amount which he expected to derive from each of those heads of income which he had so largely shadowed forth. The first resource to which the noble Lord referred was to a tax on the succession of real property. He had often heard propositions of that nature submitted to the House; but he had always felt on these occasions, — as every other Gentleman who had filled the office he now held no doubt also felt — that much more weight was attached by hon. Members to the profitable nature of such a tax than those who had to examine the subject were inclined to allow. The same erroneous opinion prevailed in supposing that nothing but personal property paid legacy duty. This was altogether a fallacy. Legacy duty was paid to a large amount on the mortgages and charges on real property. All those paid legacy duty as much as personal property; and, from the legacy duty received up to the present moment, a very large proportion was derived from charges levied on land. Another error was in supposing that all personal property in succession paid legacy duty. Nothing was more fallacious. Indeed, personal property did not pay legacy duty except under circumstances in which a great part of real property did. In the case where personal property was settled when a succession took place, personal property was as much exempt as landed property. It was becoming more and more the practice every day to make those sort of settlements of personal property; and the property so settled devolved on the person who succeeded to it, as much exempt from legacy duty as any real estate in the country. The larger landed proprietors who generally made a settlement of their property would scarcely be affected by a legacy tax on real property; but the petty proprietors, those who had property worth 100*l.* or 200*l.* a year, and who were deterred by reason of the expense from making a settlement, would suffer most from a tax of that nature. He could show, if the House would permit him, what was the comparative proportion of real and personal property which paid duty. A question of this sort was merely one of approximation; but he thought he could show from data before him how large an amount of legacy duty had been received from charges on real property, in contradistinction to that received from personal property. It would be in the recollection of those hon. Members who had attended to matters of finance that Mr. Pitt, in 1796, introduced two bills, the object of the one being to attach a legacy duty to personal property, and of the other to attach a legacy duty to all lands passing by devise, descent, or voluntary act. The bill imposing a tax on personal property passed into a law; the other, imposing a like tax on real property, was rejected, or rather was withdrawn. This last bill excluded all settled property, on the ground that a man who had merely a life interest could not, strictly speaking, be considered as leaving the property at his death. In 1805, Mr. Pitt, not disheartened by what had taken place in 1796, introduced a bill which included all the provisions of the two bills of 1796; the legacy duty was thus imposed on all lands passing by devise or descent, excepting settled property. As the law then stood, all property unsettled, personal as well as real, paid a duty. His object was to show how the duty fell on land; and this he thought a reference to the bill of 1796 would explain. The bill of 1796 affected personal property only, and the amount of legacy duty on personal property received for the six years, from 1796 to 1803, was 5,109,635*l.* The bill of 1805 made charges on landed property subject to legacy duty, and the amount received for the six years following 1805 was 14,700,000*l.* From this, however, would be deducted 5,800,000*l.*, being the amount of the new duties imposed by that act on legacies; there remained 8,900,000*l.* as the amount of duty received during those six years as legacy duty. In the six years following 1796 the duty received on personal property alone amounted to 5,109,635*l.* If, therefore, they deducted the one sum from the other, they would find, that the duty on charges on land bore to the charges on personal property, the proportion of 5,109,635*l.* to 3,760,000*l.* He trusted that he had shown to the House that it was an error to suppose that landed property was not subjected to legacy duty, and he hoped that he had satisfied them that there were good reasons for not resorting to this duty in the hope of obtaining a larger amount of revenue. He found himself greatly fortified in this opinion from what the right hon. Gentleman opposite (Mr. Baring) had stated in 1840, in a discussion which took place on a motion of the late Member for Kilkenny (Mr. Hume), proposing a tax similar to that now proposed by the noble Lord the Member for London. The right hon. Gentleman, then Chancellor of the Exchequer, stated,

> "If his hon. Friend knew the number of sources from which the legacy duties were derived, he would find that the great portion was paid by those whom his hon. Friend considered to be free from taxation."

The right hon. Gentleman went on to say,

> "With respect to what had been said of deeds, when he looked at the probate and legacy duties, as compared with those derived from deeds—and it should be remembered that a great part from deeds was derived from landed property—he did not find such a difference. The probate and legacy duties amounted to 1,724,000*l*, and those from deeds to 1,680,000*l.* He was happy to find that during the whole discussion, not a single word had fallen from any hon. Gentleman, intimating a doubt with respect to the resource of the country."

He had quoted the speech of the right hon. Gentleman, in order to show to the House his views of the justice of the case as respected the portion of tax borne by the two classes of property. In the opinion then expressed by the right hon. Gentleman, he entirely agreed. In regard to the assessed taxes, which the noble Lord had suggested as a substitute for a property-tax, he thought that hon. Gentlemen opposite must have forgotten that these taxes pressed heavily on the less wealthy classes. To raise any proportion of the deficiency of 2,000,000*l.*

by an augmentation of the assessed taxes, they would have to make up their minds to impose a burden not merely on the luxuries of the rich, but on the necessities of the poor. Two-thirds of the houses in the kingdom were at present exempted from the window-tax, and they might depend on it they would be in error if they sought to raise any part of the deficiency by any measure short of re-imposing the window-tax to the same extent as it existed some years ago, and again subjecting the smaller houses to the burden. Such an augmentation would press most severely on the comforts of the poorer classes. By a house-tax, which was a tax on property of a particular kind, they could never reach a man's income, as such a tax would press most severely on the wretched inhabitants of small dwellings. His right hon. Friend (Sir R. Peel) had handed him a volume of *Hansard*, containing the speech made by the hon. Member, who, in 1833, moved the repeal of the house and window-tax. That hon. Member (Sir John Key) was, at the time, Lord Mayor of London, and well acquainted with the community which the noble Lord opposite now represented, and when he addressed to the Members of the City of London the observations of a Lord Mayor of London, who was, moreover, one of the noble Lord's strongest political supporters, he felt that he was addressing to the noble Lord an argument which he must respect. This Lord Mayor then stated that

> "The City of London objected to the house and window-tax, as unjust in principle, oppressive in details, inquisitorial and vexatious in its imposition and collection, and susceptible of no modification which would take away its objectionable character, and they would never cease to complain until it was entirely repealed. Hoping that he had established in the opinion of the House the two propositions —that the house-tax was not an equal property-tax, and that it was not an equal tax upon disposable income, he might, perhaps, be called on to say what it was. He denominated it an unfair and an unjust tax upon the industry of the country—it was an Income-tax in its most odious form, because it touched not the masses of wealth—it touched not the drones in the hive—it fixed with relentless severity on the industrious orders. The Income-tax, which was a mere tax upon income, and justly excited so much displeasure, was a heavenly tax compared with this."

He felt he could say nothing stronger in vindication of the measure proposed by Government. The noble Lord had not surely consulted his constituents before making his proposals, otherwise he would never have proposed the revival of a tax so much condemned by them, or opposed one which they had styled heavenly in comparison with the house and window-tax. He felt sorry for having detained the House so long; but he felt it his duty to vindicate the measure proposed for the arrangement of their finances. He hoped he had shown the necessity for placing the finances of the country in a sound and healthy state. He did not fear the result. He knew the good sense of all parties, and their readiness to supply any amount which the necessities of the country might require. He regretted not that time had been allowed for the people to express an opinion, for the result had confirmed him in the view which he first entertained, that the people would ever be ready to repair the disordered state of the finances of the country, and to give that relief to trade, manufactures, and commerce, of which the noble Lord had admitted the present distressed condition to be one of the great evils of the present state of affairs.

Mr. *W. Williams* felt pleased that the noble Lord the Member for London had, in his means for supplying the deficiency, adopted a proposition which he intended to propose, namely, to subject real property to the same legacy duty as personal property. He thought the window tax objectionable, but still it was better than the unjust, inquisitorial Income-tax, as proposed by Government. It was no argument in favour of the Income-tax, to say that other taxes pressed unequally. He had often complained of this as the cause of the great dissatisfaction which prevailed in the country, in regard to the mode in which that House imposed taxes. He was ready to admit, however, that Government had dealt liberally in reference to the timber duties. The importance of a reduction in the price of timber was very great, especially in regard to ship-building. Nothing would so much prevent foreign aggression against this country as the fact of their always having a number of ships and sailors at command. In regard to coffee, he thought that too great a difference was made between the foreign and the colonial article. If they had maintained the relative difference which now existed, namely, sixpence and ninepence, he would have been better pleased, although a difference of 50 per cent. was, in his opinion, more than sufficient protection for the colonies. Considering the state of their relations with China, every encouragement ought to be given for the consumption of coffee, and he thought that a duty of sixpence a pound on foreign coffee would have greatly increased consumption, and would not have diminished the revenue. He was glad to hear that the question of the sugar duties was under the consideration of Ministers, and that negotiations had been entered into for a treaty of commerce with Brazil. It was of the greatest importance to this country that a great reduction be made in the duty on sugar as speedily as possible, and he hoped by that treaty the slave-trade would be put an end to. He had often stated to the House that he was a decided advocate of free trade in corn; but if he had to choose between two modes of imposing a duty, he must say that he would infinitely prefer a fixed duty to a sliding-scale, which had been agreed to the other night. A sliding-scale might produce a larger revenue for the first year, but a fixed duty of 8*s.* would ultimately produce a larger amount of duty, and make corn cheaper to the community. The recurrence to any tax—such as the tax on salt, leather, soap, candles, beer—which would press heavily on the poor, would be most objectionable. Any kind of property-tax would be preferable to the re-imposition of any of those taxes. He did not feel at all satisfied on reading the resolutions of the noble Lord, but he must say, the additional views which the noble Lord had laid before the House in the course of his speech, had somewhat modified his opinion in reference to the means by which he proposed to make up the deficiency in the revenue. In consequence of that, he had given notice of two propositions, which he thought much better than those which had been proposed by the noble Lord. His first proposition was to submit real property, or property not now liable to the legacy and probate duty, to the payment of the same amount of probate and legacy duty as was now paid upon personal property. There at present existed a most unjust distinction between these two descriptions of property in that respect. Take, for instance, the case of a respectable mechanic. He shall die and leave property in the shape of furniture and other useful articles, to the value of 20*l.* Upon this both a legacy duty and a probate duty must be paid. Now, take the case of the Duke of Cleveland, or the Duke of Norfolk, or of the Marquess of Hertford. All these noble persons have recently come into the possession of immense estates. Have they paid any duty to the Exchequer? None whatsoever. Now, his object was to put all parties upon an equality. He did not wish the rich man to pay more than the poor man, in proportion to the amount of his property, but he wanted common justice to be observed between them both. The right hon. Gentleman the Chancellor of the Exchequer had referred to the amount of the probate and legacy duty on real and personal property in 1805. He could have wished that the right hon. Gentleman had come to a later period, because there was a vast difference between the value of property now and in 1805. If the plan he now proposed were adopted, the right hon. Gentleman would get a much greater revenue now than could have been obtained by the same tax in 1805. It had been estimated that the tax upon landed property, in the shape of a legacy and probate duty now, if charged upon descent, bequest, or deed of settlement, would amount to two millions, or two millions and a half. This, then, was his first proposition. His second proposition was to subject all annuities, pensions, dividends, and salaries, to a certain rateable tax. He, in his scheme, had dealt very lightly with the lower class of incomes. Upon those ranging from 150*l.* to 250*l.* he only proposed a charge of 6*d.* in the pound, or 2½ per cent. With the exception of the two great interests—the landed interest and the West Indian interests, both of which were monopolies protected by the Legislature—every class in the country was in a state of suffering. If a comparison were made between the ability of all classes, whether the mercantile, the manufacturing, the trading, or the labouring classes, to pay taxes now, and what was their ability to do so six years ago, he believed it would be found that at the former period they were able to pay twice as much as at present. Those who derived their incomes from the public revenue ought to bear their proportion, and not throw the whole weight upon other classes. There was one very strong reason why they should do so. It was well known that all salaries and pensions were increased to a great extent in consequence of the depreciation of the circulating medium. He would refer to a most able pamphlet written by Sir James Graham, the present Home Secretary, upon this subject. He had read many works upon the question, but he had never seen one written with more ability, or which treated the subject with more justice. The right hon. Baronet stated — (the pamphlet was written in 1827) — that the difference of value of present money, and of money in 1813, which was the last year but one of a most expensive war, was at least 30 per cent. Every one who had written upon this subject bore out the right hon. Baronet's statement. In his opinion, the case was rather under than over stated. The amount of taxes in 1813 was 81 millions, the value of gold being *5l.* 6*s.* 2½*d.* an ounce. The taxes for last year amounted to 52 millions, the value of an ounce of gold being 3*l.* 17*s.* 10½*d.*, which was equal to 82 millions of taxation in 1813. Thus making the taxes of the present year heavier than they were in 1813, although in amount the taxes in 1813 were 81 millions, and in the present year 52 millions. In 1813 the price of wheat was 6*l.* 2*s.* 6*d.* a quarter, now it was about 3*l.* 1*s.* or 3*l.* 2*s.*, so that the people had now to give two quarters of wheat instead of one in 1813. In 1813 beef was contracted for at Greenwich Hospital at 9*d.* a pound, now it was little more than half that price. Take, again, the case of the handloom weavers. They would now have to pay four days labour for the tax which one day's labour in 1813 would have paid. Thus it went on in these proportions, making the tax a much heavier burden now than it was in 1813. The noble Lord (Lord John Russell) and the right hon. Gentleman opposite (Mr. Goulburn) had spoken with warmth against subjecting the fundholder to any tax. Now, he did not understand the justice of this objection. The fundholders received their dividends in money greatly increased in value, instead of depreciated paper, in which they were paid before 1819, and in which the debt was contracted; it would, therefore, be no sacrifice for them to bear their share of the burthen, when the people who paid the taxes were in a state of suffering and depression. What did David Hume say upon this subject? and he was a great authority. In his *Essay on Credit*, he said,

> "That under the circumstances (meaning the heavy debt) in which the country was placed, the revenne must be raised from the taxation of annuitants, or what was the same thing, from mortgaging anew certain parts of their annuities, thus making them to contribute to their own defence and to that of the nation."

He believed that they would ultimately come to this. The right hon. Baronet opposite (Sir James Graham) saw this long ago; and he hoped that the right hon. Gentleman was using his utmost efforts to instil his views into the minds of his Colleagues, and would induce them to follow those wise views he advocated fourteen years ago. There was one thing in which he agreed with the right hon. Baronet, that whatever amount of expenditure this House might vote, it was bound to put into the hands of the Government the means to pay it. That was a very different course from what had hitherto been followed. If his two propositions should be adopted, they would, according to his calculation, produce additional means to the Government of from four millions to four millions and a half, which was the utmost that would be required to meet the expenditure of the Government. He most earnestly called upon the Government not to be merely satisfied with having a sufficiency of means to meet the expenditure, but to take care to have those means in the Exchequer, and not to depend, as hitherto, upon the Bank of England. The Bank of England had been generally acquiescent in the views of the Chancellor of the Exchequer. But the finances of this country ought not to be dependent upon the acquiescence or caprice of any body of individuals. In January there was only 3,600,000*l.* in the Exchequer, when the Government had to pay nine millions. Suppose when the Chancellor of the Exchequer asked assistance, the Bank had refused it. It would only have been necessary for thirteen directors to have agreed in opinion that way. What would have been the condition of the country? How could the Chancellor of the Exchequer have paid the vast sums then due? He would not attempt to describe what the consequences would have been to the country if such an ocurrence had taken place. They all know that the Bank of England had been, by its own imprudence, in a state of the greatest difficulty. Suppose it had been on the 5th of January last in the same condition as it was described by Mr. Horsley Palmer, one of its directors, to have been in the months of October and November, 1839, when he stated that the amount of bullion in their coffers was barely as much as was lent to them by the Bank of France. If the Bank of France had refused to lend that money what would have been the consequence? The case answered itself. Suppose the Bank should not be in a condition to lend the Government money on deficiency bills, to pay the dividends when due — suppose the Bank of England had a great run upon it for bullion, at the very moment the Government wanted its assistance, and the Bank was placed in this situation, either to be obliged to refuse the Chancellor of the Exchequer the assistance he required to meet the dividends, amounting generally to five, six, or seven millions, or to stop payment on the run made upon it? What would be the result? Either the Government would be unable to meet its dividends, or the Bank must stop. This was a state in which the Government ought not to place itself; and if the right hon. Gentleman would give proper attention to the subject, he was certain that he might place the finances of the country in a state of perfect security and free from all such dangerous hazards. There was another point worthy of the attention of the right hon. Gentleman. In the course of a year or two the Bank charter would have to be renewed. His wish was, that the right hon. Gentleman should be perfectly independent of the Bank before that period arrived. Formerly, the Chancellor of the Exchequer could dictate terms to the Bank, but when about two years ago the Government wished to borrow 600,000*l*., the Bank said, that unless the Chancellor of the Exchequer gave them a higher rate of interest, he should not have the money. Suppose this should happen when a much larger sum was required, it would throw distrust upon the credit of the country. What would then be the condition of the Government? When the sense of the House should have been taken upon the resolution of the noble Lord (Lord John Russell), it was his intention to move that the resolution now before the House should be referred back to a committee of the whole House upon Ways and Means, when he should propose to that committee a resolution to this effect:—

"That it is the opinion of this committee, that, towards raising the supply granted to her Majesty, and for the reducing, as much as may be practicable, the duty now payable on malt, sugar, and tea, there shall be charged annually the several rates and duties following, that is to say:—For, and in respect of every annuity, pension, stipend, dividend, or salary, payable out of the public revenue of the United Kingdom of the annual amount of 150*l*. to 300*l*., for every twenty shillings, sixpence; of 300*l*. to 500*l*., for every twenty shillings, one shilling; of 500*l*. to 750*l*., for every twenty shillings, one shilling and sixpence; of 750*l*. to 1,000*l*. for every twenty shillings, two shillings; of 1,000*l*. to 1,500*l*. for every twenty shillings, three shillings; of 1,500*l*. and upwards, for every twenty shillings, four shillings, on the value thereof. For and in respect of all lands, tenements, hereditaments, heritages, and real property of every description, there shall be charged to every person on coming into possession thereof by inheritance or bequest, a duty equal in amount to the probate and legacy duty now payable on personal property."

Sir *Robert Inglis* said, that a considerable portion of the speech of the hon. Gentleman having been employed to answer the speech of the noble Lord, and another portion employed in complimenting the commercial and financial policy of her Majesty's Government, and another portion in discounting his own intended speech upon a motion not now before the House, and a fractional portion only being employed in endeavouring to answer the able, comprehensive, and eloquent speech of the right hon. Gentleman the Chancellor of the Exchequer, he did not feel that it was necessary for him, and he certainly did not feel any disposition, to follow the hon. Member. He should take lower and humbler grounds. He would not enter into an inquiry as to the policy of the Government. He rose distinctly for the purpose of suggesting to the right hon. Baronet at the head of her Majesty's Government, one alteration which he took the opportunity —perhaps the only one that would be afforded to him—of now submitting to him. The right hon. Baronet had pledged the existence of his Government upon the success of this great financial measure; but though he stated this when he first opened his plan, and iterated it last Monday, still the right hon. Gentleman declared his willingness to listen to any suggestion as to details in the progress of the measure. And although the right hon. Baronet had received many communications from provincial Chancellors of the Exchequer and financiers of every grade, yet he had not heard, at least, that the suggestion he was about to make had been submitted to the right hon. Baronet. The right hon. Baronet began his plan by exempting all whose incomes did not exceed 150*l.*; the right hon. Baronet admitted that persons whose incomes were below that sum, were not in a condition to bear any proportion of the tax which ought to be levied upon others. Now, the suggestion which he would venture to make was, that he should give an equal advantage to all persons whose incomes should exceed 150*l.* For instance, in the case of a person whose income was 200*l.*, the tax should be imposed upon the surplus 50*l.*, above the 150*l.* So in the case of a person of 300*l.*, he should be taxed upon the extra 150*l.* It was impossible that any one could have moved in society within the last month without having heard of cases of the most aggravated distress in respect to persons of small property. The right hon. Baronet must know this full well; he could not, therefore, but feel sure that there was no modification of his right hon. Friend's plan which would tend more to spread general content with his financial measures than that which he had now suggested. Sixty pounds paid by a man whose income was 2,000*l.*, or six hundred pounds paid by him whose income was 20,000*l.*, were paid without the sacrifice perhaps of a single comfort; whereas the 6*l.* paid by a man whose income was only 200*l.*, whether living in the metropolis or the remotest province, would be an abridgement of many comforts—he might almost say, of many necessaries. If, therefore, it was fit to make any reserve whatsoever, and except any annuitants at all, it certainly would be consistent with the general principle to make a similar proportionate relaxation in favour of those whose incomes exceeeded the lowest point of the scale by 50*l.*, or 100*l.*, or 150*l.*, and so on. It was true the reduction of 150*l.* from the estimated income of those having 2,000*l.* or 20,000*l.* would have had but little effect either way. It would scarcely benefit the party himself, while, at the same time, it would hardly make any sensible diminution in the amount of taxes to be received by the Government. But, to the individual having only an income of 200*l.*, the relief would be very great indeed, and he was sure it would be very gratefully received. If the House would indulge him for two minutes more he would venture to state that he thought it would have been far more satisfactory to the country generally if a property tax of 4 per cent. or 5 per cent. had been imposed, and they had obtained an entire remission of all the machinary of an Income-tax, and of the assessed taxes. He feared that as he did not receive any cheers from the metropolitan Members, and none on his own side of the House, his proposition was not likely to meet success. [Mr. *Wakley:* I cheered you.] He would not pursue the subject further, but he trusted his right hon. Friend at the head of her Majesty's Government would consider the suggestion he had thrown out worthy of his attention.

Mr. *P. M. Stewart* said, that notwithstanding the epithets which had been applied to this tax had been repudiated and condemned by the right hon. Gentleman the Chancellor of the Exchequer, yet he (Mr. Stewart) most advisedly used them, and declared that it was to all intents and purposes an inquisitorial, an unnecessary, and a most odious imposition upon the people and the industry of this country. He, however, must say, with the hon. Member for Oxford, that if the country was to be subjected to this impost, it was the duty of the Legislature to make it as little burdensome as possible. He, therefore, approved of the suggestion of his hon. Friend (Sir R. Inglis), that an income of 150*l.* ought to be made the unit in calculating the tax, because it was admitted by the right hon. Baronet that those who possessed an income of 150*l.* were not fit to bear the tax; thereby drawing a line for the calculation to commence on the amount of income exceeding 150*l.* Upon the last suggestion of his hon. Friend (Sir R. Inglis) he would make no remark, because he would go on and make open war—declared war—against the proposition itself. The right hon. Gentleman the Chancellor of the Exchequer, blamed those who had applied epithets such as he had applied to this tax, asserting that they were not descriptive of the tax. The right hon. Gentleman had said, that he as a financier had helped in 1816 in the hopeless undertaking to continue for two years the property-tax; and that he was quite sure if the property-tax had been continued for two sessions, the financial circumstances of the country would have been in a much more flourishing state than they now were. In looking back to the victory then gained over Mr. Vansittart, who attempted to continue a tax which Parliament was bound in honour to repeal six months after the cessation of war, there was no man who had the welfare of his country at heart who would not sympathise with those who gained that victory. The great question was settled upon the strength of the petitions which were poured in upon the House for several nights previous to the proposal, and those petitions decided the fate of the tax, which had never since been heard of from that day till now. Men of great distinction as financiers, equal in every respect to the right hon. Gentleman himself, did not hesitate to express in the strongest terms the detestation in which they held that tax. The present Lord Ashburton—then Mr. Baring—made a powerful speech, showing the impolicy and injustice of imposing such a tax upon the people, and his concluding words were these:—

> "With a debt of 820,000,000*l*., it was of little consequence whether twelve more were added, but it was of the utmost importance that the people of England should be liberated from this most unjust and unnecessary and odious imposition."

Those were Mr. Baring's words in 1816, and he presumed that as a financier, and being in that day in the full vigour of his mind, and capable of judging such a question, he might put those words against the opinion of the right hon. Gentleman, and say, that it was a good deliverance of the country to be rid of that tax. The right hon. Gentleman (the Chancellor of the Exchequer) had repeated the words of the right hon. Baronet (Sir R. Peel) in his initiatory speech, and had said, that nations, like individuals, acted wisely in looking their circumstances boldly in the face, and not shrinking to meet any evils. He said so, too. But the right hon. Gentleman had denied, that the deficiency was what the noble Lord the Member for London (Lord John Russell) had said—a deficiency of 2,500,000*l*. only, which they had to provide for; but that the deficiency was one which had been accruing for five or six years past. He agreed with the noble Lord that a gloomy view of the state of our finances was taken by Gentlemen on the Ministerial benches, and he could ascribe it to nothing but to their long continuance on the Opposition side of the House, and to their looking through a mist, which was sometimes hanging over the Table which separated them from the Treasury benches—a mist which had so magnified the deficiency of the revenue, that the impression did not leave them even when they began to consult officially upon it; for he would assert, that the deficiency which they now had to deal with, and at a time, too, when the financial state of the country was in high credit, was simply a deficiency of 2,500,000*l*. How, in the first instance, was this deficiency magnified? They had heard nothing of the sources of its magnitude that night; but in swelling the amount of the deficiency, those who sought to do so introduced that mournful scene of discomfiture—he believed it would be an isolated scene—soon to be redeemed, he hoped—of the British arms in Affghanistan. Yes, there were mixed up with our home deficiencies—a mode of representing the financial condition of the country which he must protest against—the deficiencies of our Indian finances. These were not elements to be taken into account in considering this question. He had no access to official documents, but as one of the uninitiated he had had recourse to Mr. Porter's last book, and there found that there was a surplus of four millions at the three presidencies. In China, it was true, the matter was not yet settled, but could any man entertain a doubt as to its ultimate settlement? The accounts of the revenue only the day before yesterday showed a flourishing surplus of about 600,000*l*., nearly 400,000*l*. of which was ransom money from Canton. In that quarter we were sure, not only of victory, but of compensation for our expenditure. Notwithstanding what had been said by the Chancellor of the Exchequer, it was impossible to convince those who were acquainted with the history of the Income-tax that it was to be looked upon as anything but a war-tax; but what made it peculiarly unacceptable was its inquisitorial and searching and arbitrary character. The bill of 1806 contained no fewer than 210 clauses, and with all this the nation was to be again irritated and tormented. He could not therefore help reminding the House of the opinion of Mr. Ponsonby on this subject, who said in this place that

> "The principles of that measure were incompatible with the personal liberty of the subject."

It had been brought forward at two periods of our history; in 1798 it had been proposed by Mr. Pitt, and in 1806 by Lord Henry Petty; but how different were the circumstances of the country at those periods! Mr. Pitt required ten millions to be raised with as little delay as possible, because, as he said,

> "The very existence of the country might be said to depend upon the result."

A vigorous effort was then required, and for such a moment such a tax ought to be reserved. What was the financial state of the country in 1798? Why, in 1796, Mr. Pitt had borrowed forty-two millions, in 1797 he had borrowed nearly as much, and in 1798 he had borrowed fourteen millions before he asked for the tax. The navy at that time cost 13,642,000*l.*, and the army 8,840,000*l.* What was the financial state of the country in 1806? Why, on the very morning, that Lord Henry Petty came down to the House to require the Income-tax to be raised from 6½ to 10 per cent., he had borrowed 20,000,000*l.* of money. The navy at that date cost 15,281,000*l.*, and the army 18,500,000*l.* What was the much talked of deficiency at the present moment? 2,569,000*l.* He was aware, that there were other items which made it amount to more, but that increased deficiency was occasioned by the voluntary remission of duties under the right hon. Baronet's tariff. The loss upon coffee alone was estimated at 170,000*l.*, but surely something ought to be allowed for the increase in the consumption. In three years after the reduction of the duty from 1*s.* to 6*d.*, it produced an equal sum, at the low duty, to that which it had produced at the high duty; and at this moment the income from this source was nearly doubled. He protested most strongly against throwing away the present revenue derived from timber. The proposed remission might be thankfully received by the consumer, but it would be highly injurious to our Canadian possessions. The right hon. Baronet had said, that Canada was to be treated as an integral part of the empire. He was glad to hear it, for it was a point for which he had long contended. It must, nevertheless, be the conviction of the present Government, that Canada could not maintain a trade against the Baltic with the proposed remission of duty: the Canadian timber-trade must soon be prostrate, yet in 1840 it had produced 434,698*l.*, while foreign timber had yielded 1,026,000*l.* True it was, that the consumer might eventually be benefitted; but he insisted, that in the present financial difficulties of the country, it was a mere act of wantonness to throw away a sum now derived from that source, amounting to 600,000*l.* If the question were put to the Canadians they would infinitely prefer the proposition of the late Administration. It seemed, from the statement of the right hon. Baronet, that the sum to be raised by an Income-tax was 3,700,000*l.*; but, before he remarked further upon it, he would mention that there was one highly objectionable tax which he hoped the right hon. Baronet might be induced to relinquish. He referred to the 4*s.* per ton upon coals. He did not consider merely the sum it would produce, but the most injurious effect it would have on the shipping interest. The trade never throve until 1834 when the duty was reduced, and by the proposed tax two-thirds of the trade would be extinguished. The reason assigned by the right hon. Baronet was a very weak one, viz., that our coals were required by foreign countries for their manufactories. He seemed to forget that foreign countries would soon make themselves independent of us. Belgium was a coal country, and in France they only took our coal because they could obtain it cheaper than by working their own mines. Not long since the exportation was 450,000 tons, and now it was 1,300,000 tons. He was not blind to the financial difficulties of the present time, and he was glad to see, that some alarm on the subject existed on the other side; but after what the right hon. Gentleman had said about provincial and amateur Chancellors of the Exchequer, he was almost afraid to prescribe. However, in spite of that, and in spite of what had been urged to the contrary, he was satisfied, that real property was, and ought to be a taxable commodity. He was identified by family interest with the great body of landed proprietors, but he could not be deaf to the assertion out of doors, that the landed interest was allowed to go scot-free, while other classes much less able to bear it, were left to sustain the great bulk of the burden. If, indeed, the landed interest had been disposed to contribute only a fair share, could a more simple and certain test have been applied to them, than by requiring them to put themselves on a footing, as regarded legacy and probate duties, with the owners of personal property? The Chancellor of the Exchequer had contended, that as a great part of the landed property of the kingdom was in settlement, or as it was phrased in Scotland, "entailed," it was not the proper subject of taxation. Why not? Why should not a tax be imposed upon the transmission of landed property from generation to generation? How did settlement or entail interfere with that process? Two merits seemed to recommend such a tax; the one, that it would supply nearly two millions of money; the other, that it would not touch the present holder of landed property, but only his successor. He pressed that tax very earnestly on the Chancellor of the Exchequer. Mr. Pitt was very fond of that part of his measure; but, being dependent upon the landed interest, he had been obliged to forego it. With regard to corn, he was one of those who took his stand upon the fitness of an unrestricted free-trade in corn—and he did not disguise the fact—and it was not to be disguised—that he and others had considered the fixed duty good now and better hereafter, as it would be a stepping-stone to total abolition. There was one point in this question where the ground was rather of a boggy or mossy nature, only very lightly to be touched or trodden upon. Whenever the price rose to 72*s*. or 73*s*. he would unfix the fixed duty immediately; but if importation were allowed by the fixed duty from all the countries of the world, there was no human probability, that the price of corn would ever rise to that amount. He next came to sugar, and would make his confession to the House. He admitted, that he was much interested in West-Indian colonial produce; but he had, nevertheless, supported the proposition of the late Government, under certain explanations, and should be still more ready to support that shadowed out by the right hon. Baronet on introducing his measures. He would ask whether the West-Indians could now shut their eyes to the fact, that they were doomed to alteration, or, as some of the too doleful asserted, to destruction? The plan of the right hon. Baronet was better than that of the late Government, but he had stated, that he would not meddle with the sugar duties on account of their connection with the slave-trade. It was impossible to compete with Brazil or Cuba, at the rate at which the slave-trade was now carried on in those countries; but he (Mr. P. M. Stewart) maintained that the distinctive duty was quite sufficient to protect the British grower, and that by a judicious modification of these duties, we might induce Brazil and Cuba to follow an humane example. But if the right hon. Baronet did not dare to touch sugar on account of its connection with the slave-trade, why did he touch coffee, which was somewhat in the same predicament? By the last return it appeared, that of the 28,646,205 lbs. of coffee which paid duty for home consumption, exactly half was foreign coffee: the duty upon English coffee was 374,000*l*., and upon foreign coffee 544,800*l*. Everything ought to show the West-Indians that it was better for them to make their accounts even while they could, because their doom was inevitably fixed, as regarded a change in the differential duties on sugar. The increase in the quantity of coffee consumed within the last two years had been from 25,800,000lbs. to 28,646,205lbs., or nearly three millions of pounds. But Parliament had it in its power to indemnify the West-Indians if it thought fit. At this moment sugar, the produce of British colonies, was subject to prohibitory regulations, growing out of the old Corn-law. British-grown sugar might be used in a distillery entered solely for that purpose, but it could not be used at all in a brewery where it was classed with vitriol, opium, and other deleterious commodities. Then as to spirits, there was one hindrance of which, perhaps, the right hon. Baronet was not aware: when the price of barley was 38*s*., the distiller might import foreign barley, might make it into spirit, and send it into Scotland and Ireland to be consumed, in the former at a duty of 3*s*. 8*d*., and in the latter at a duty of 2*s*. 8*d*.; while colonial spiit was subjected throughout the empire to a duty of 9*s*. 4*d*. When, therefore, the colonies came to their great settlement, which now drew near, they ought to be freed from this restriction, and his conviction was, that if they were allowed perfect freedom, and the distinctive prohibitory duty in Scotland and Ireland were done away with, the West Indians would receive compensation for any loss they might sustain from alteration of duties. Coming to the tariff, he might observe that there were many anomalies in it, and as there was to be a new edition of it on Monday, it might be worth while to make a few remarks upon the present edition by way of *errata.* The first he would notice was the duty on apples. Surely that was a misprint; or if not a misprint, the document had been printed in Kent. Apples in some parts of the country were an important article of consumption among the poor. Lord Sydenham had reduced the duty from 4*s.* per bushel to about 2*d.*, and that was the present impost; but what was it by the tariff of the right hon. Baronet—he meant the right hon. Baronet the Member for Tamworth, not the right hon. Baronet the Member for Kent. The duty was hereafter to be 2*s.* 6*d.* per cwt., or at the rate of from 8*d.* to 10*d.* per bushel. The next anomalous article was hops—also a Kentish production, and perhaps another Kentish misprint. The duty had been 8*l.* 11*s.* per load—a very high duty, and, to the astonishment of every body, that was left untouched in the tariff. Another article which greatly interested the Scotch farmers was linseed cake, commonly called oil cake, the duty upon which was raised from 2*d.* to 6*d.* This, he hoped, was a misprint. [Sir *R. Peel:* It was a mistake.] He would now touch upon the amount of Income-tax required from Scotch farmers. A petition from forty farmers in Berwickshire and Roxburghshire, paying a rental of 54,000*l.*, had been laid upon the Table, and seemed to produce some impression on the Ministerial side of the House. In England, formerly, the tax was taken upon three-fourths of the rent, and in Scotland upon half the rent. The reason for the difference was, that in England the rent was paid to the landlord minus certain incumbrances borne by him, whereas in Scotland the tenant paid the whole. In 1816, when an attempt was made to stop the mouths of the landed gentry by reducing the proportion from three-quarters to one-third, Mr. Baring, in his speech on the 5th March, had said that the design of Government was obvious, viz. to relieve the landed interest and to throw the unjust burden upon the rest of the community—and he added, that "a more dishonest proposal had never been made by any Minister." In the present instance, whatever might be done with the tenantry of England, he hoped that some relief would be extended to the tenantry of Scotland, as the amount fixed upon them was much too high, and far above the fair proportion. He had said thus much on the supposition that the House knew the worst of the case: according to the speech of the right hon. Baronet, the prospect of the country was far from cheering, but he did not believe it was anything like as bad as the right hon. Baronet had seen it his interest to represent. In his splendid peroration he had talked of the mutiny at the Nore of the rebellion in Ireland, of disasters abroad, and of the funds at 52. Such was the case in 1798; but was anything like that the case now? The unlucky affair at Affghanistan was likely to be isolated: we had had no other disasters abroad; there was no mutiny at the Nore, no rebellion in Ireland, and the funds, instead of being down at 52 were up at 90. The Chancellor of the Exchequer had this night followed up the same strain as his leader when it suited his purpose, and had talked very solemnly of the effect of deficiency upon the credit of the country; yet, when it suited his purpose again, he called the attention of the House to the circumstance, that, notwithstanding the Income-tax had been proposed, the funds had risen from 89 to 90, while Exchequer-bills were at a premium of from 38*s.* to 40*s.*, which absorbed the whole interest for a year. What did all this show, but that money was a drug, and that the owners of it were glad to employ it in any way that promised a return, however inadequate. Where, then, was the case of the right hon. Baronet which called for the imposition of the Income-tax, "a weapon from the national armoury (as the late Chancellor of the Exchequer had justly observed) which ought to be reserved only for a state of war." If it could be shown that this country was at war, or was threatened with any thing like immediate war, there was an end of his objection to the Income-tax, but he hoped the House would not impose so odious and objectionable a burden, because it was needlessly alarmed by the pusillanimous contemplation of fancied difficulties.

Mr. G. *Palmer* felt under great obligations to the noble Lord opposite for the compliment paid to him and other agricultural Members of that House, although he was sorry that he could not appropriate to himself that part of the compliment which had reference to heads as stiff as the clay be tilled. The noble Lord might think lightly of clay soils, but the more they cultivated such soils the more fertile and the more productive they would become. As to the noble Lord himself, he handed him over to the hon. Member for Finsbury, who having said that he was made of squeezeable materials, had squeezed him so hard that there was not a drop of goodness left in him. The charge made against the agricultural Members last night was, that they had professed one thing on the hustings, and were voting another in the House. He gave his assent to the Corn-bill last night, although he objected to the duty on Lent corn, and, although as the right hon. Baronet took the averages for the last three years instead of the last fifteen, he was not satisfied that the farmers would not require more protection. His opinion was, also, that the price of wheat would be lowered, since the price at Dantzic and other places from which we obtained corn did not exceed 25*s.* Still he was willing to try the bill, and he had voted for it because he believed that the great body of the agriculturists, although they were not quite satisfied with it, would give it a fair trial in consequence of their confidence in the right hon. Baronet who had proposed it. The right hon. Baronet had stated his own conviction that under his bill the price of wheat would range between 54*s.* and 58*s.*, and if circumstances should hereafter prove that the protection was not equal to this, it would be for the agricultural interest to apply again to the right hon. Baronet. He was sure that no individual could accuse him of inconsistency in this particular instance. He came now to the great point in question that day—the charge proposed to be laid upon the country in the shape of an Income tax. He was as well aware of the inconvenience attending it as the hon. Gentlemen opposite: he knew the inquisitorial nature of the tax; and he knew of other inconveniences, which had not been mentioned; but, at the same time, he believed that the credit of the country must be maintained, and that the sum necessary for this purpose had been much underrated, There was not only the deficiency of this year and of last year to be met; but if the credit of the country was to be maintained, the finances must be put on the same footing as they were eight or ten years ago. He believed that if 10,000,000*l.* extra were put into the Exchequer this year, it would not be more than sufficient. Less would not do, and he did not think that the Chancellor of the Exchequer would deny that statement. They must, therefore, submit to the tax with a good will, and it was not for hon. Gentlemen opposite to object to raising such a sum to maintain the credit of the country which they had impaired. The sum was required because public affairs had been attended with the most melancholy results. In our eastern possessions many people were suffering, we had an army advancing to their relief, the difficulties to be contended with were great, and the army must be supported. On another point of Eastern policy, hon. Gentlemen opposite had applied to, and obtained the advice of some merchants in the city, who had told them exactly how many ships and men it was necessary to send to subdue a country of which they knew nothing. Still there must be an outlay. He felt, therefore, that every shilling that could possibly be raised by an Income-tax was necessary to replenish the Exchequer. As to the tariff, a new edition of which would be ready he understood on Monday, he must say that it was a tariff to which he never would give his consent. His principles upon the subject were as well known to the right hon. Baronet as to himself; he never would give his consent to anything bordering on the free-trade principle. He would never consent to an Income-tax wrung from the people for the purpose of speculating in free-trade. As to taking off the duty from coffee and timber, large sums would be sacrificed to this country. The Income-tax was to last only for three years, but the taxes taken off were permanent. How did they propose to supply the deficiency? He might be told that the gross produce of the tax would be increased by a reduction in the duty; so they were told when they took off the postage duty, but what had been the result? He recommended the right hon. Baronet to get the tax into the Exchequer as soon as possible, and then consider how to apply it. He would like to ask the manufacturers, who were exceedingly violent upon other points, why they held their tongue upon the tariff? Because protection was given to them to the same extent as before. The protection given to the cotton trade was 34 per cent., and yet those gentlemen were crying out for doing away with protection to agriculture. There were so many incongruities in the tariff, that it could not be made on any principle. There ought to be some principle declared which would rule from one end to the other. He had always been a friend to protection, but let it be equal; and if the right hon. Baronet would only propose an equal protection, he might hold his present situation as long as his health would allow him.

Sir *W. Somerville* said, that after the lengthened arguments which had taken place on this subject, he did not suppose he could throw any additional light upon the question, but as the representatives of Ireland stood upon peculiar grounds, he could not consent to give a silent vote that night. If he regarded the matter in a partial or interested view, he would certainly give his vote for bringing up the report. He returned his thanks to the right hon. Baronet for exempting Ireland from the operation of the tax. It was true, that the right hon. Baronet had given as a reason for this exception in favour of Ireland, that he had not found the machinery at hand in that country by which this tax might be applied; but still he believed, that he was guided by an anxious desire to treat that country in a moderate and forbearing spirit, but he thought, that he might have found some other means of accounting for his inducement to spare the imposition of this tax on that country than that which he had given. They all knew, that within the last three years a property-tax had been in point of fact imposed in Ireland in the shape of Poor-rates. He did not complain of the imposition of those rates, although it assumed the character which he had ascribed to it, and every man who had witnessed the misery of the lower orders in Ireland must be most anxious for the success of the experiment tried in connection with them, and that no impediment should be thrown in its way. He felt grateful to the right hon. Baronet, also, for his having deprived the absentees of Ireland from any exemption from this tax; he was glad that this tax would affect the Irish absentees, but he was only afraid, that he could not catch hold of them, as he wished he might, for he considered them a most unprofitable portion of her Majesty's subjects. But notwithstanding the gratitude which he had expressed for the favour shown to Ireland, he thought, that he was bound to consider this tax, not in the light in which as an Irish representative he might be disposed to look at it, but as a representative of the interests of England and Scotland also. He was bound to consider it with reference to all classes—not with reference to Irish interests alone, but to the interests of England, Ireland, and Scotland, and in this point of view he regretted, that he could not give his conscientious support to the measure of the right hon. Baronet. He could not bring himself to consent to the imposition of this tax, unless the sternest necessity demanded it, and this on account of its inquisitorial character. He had heard no argument so satisfactory to him as to induce him to change this opinion. He had heard the speech of the hon. and learned Member for Bath (Mr. Roebuck) the other evening, and he had heard that hon. Member say, that such feelings as those of individuals who did not wish to have their affairs overhauled, and their secret transactions inquired into, ought not to be attended to—that they were not worthy of consideration. As an abstract opinion that might be a true one, but he thought that the House could not hope to legislate upon abstract views. They must legislate for human nature as they found it, and he defied any man to say that there was not out of doors a general, not to say an universal, feeling prevalent against the inquisitorial nature of this tax. He must moreover say, that he did not think that there was any necessity for the imposition of the tax. If he thought, that the period had arrived when its imposition was imperatively called for, he might have been disposed to overlook its inquisitorial machinery; but when he heard the hon. Gentleman below him, the Members of the late Government taunted with being the means of handing over a deficiency to the right hon. Baronet opposite, he was bound to inquire how that deficiency was created. Was it by a reckless expenditure? Was it by the imposition of new taxes? Not at all. It was created by the too great readiness of those hon. Gentlemen to relieve the country from taxation. That might have been a fault, but it was at all events on the right side, and the very proof which was offered to him of the means by which this deficiency arose, was at the same time a proof that a plan might be resorted to, to make up the existing deficiency, without having recourse to this tax. Now one word on the proposed tariff. Another opportunity would be afforded him of going fully into that question, if he should be disposed to do so, and therefore he would not now enter into it; but so far as he knew at present, reserving to himself the right of considering each item separately on a future occasion, he would, if the right hon. Baronet would take him as a substitute for the hon. Member for Essex, support the right hon. Baronet in considering the interests of the consumer. He had already expressed his regret, that he could not support this measure of the right hon. Baronet, and his gratitude at the exemption of Ireland from its operation. That exemption, however, threw upon him a double responsibility with regard to his conduct on this occasion, and he felt that he should be acting a selfish and ungenerous part towards England and Scotland, if he did not give his aid to them against this tax. He should therefore vote in favour of the motion of the noble Lord, the Member for London.

Captain *Hamilton* disagreed with the hon. Baronet, who had last spoken with regard to the nature of the measures proposed by the late Government. He could not deem them to be by any means of so excellent a nature as he seemed disposed to think, but their apparent object and effect had been merely to palliate the existing difficulties—to postpone the evil day, until at length the proposition of the right hon. Baronet had become requisite. It had been argued, that the adoption of that proposition would hold out to foreign countries the view, that England was driven to her last resource, that she was compelled to resort to a tax which, except under some extraordinary pressure, was justifiable only in time of war. He confessed, that for his own part he could subscribe to no such opinion, for he believed, that the bold measure proposed by the right hon. Baronet would only tend to convince the world in general of the great wealth and resources which this country possessed. But applying himself to the Income-tax, as it was now proposed, and leaving to future consideration the question of the tariff as proposed by the right hon. Baronet, he must express his intention to vote in favour of that tax. Various objections had been suggested to that tax, some of which, undoubtedly, had some apparent ground to rest upon; but he believed, that no measure could be proposed, so extensive in its consequences and its operations as the present, in opposition to which arguments of equal weight might not be raised. He believed, that the right hon. Baronet (Sir Robert Peel) had come forward boldly to meet the evil which existed. In his statement there had been no reserve, but every view of the case had been fairly placed before the House; and, whatever his conduct might be with regard to the tariff, when it came on for discussion, upon this question, at all events, he should have his support. "Sufficient for the day is the evil thereof." He should, therefore, give no opinion upon the question of the tariff, but he believed, that this was the only tax which would redeem the credit of this country.

Mr. *Sheil:* If for the sustainment of the honour and the interests of England an Income-tax were required, I make no doubt, that the people of this country would at once submit to it, and follow with promptitude, the example which our gracious Sovereign has spontaneously and magnanimously given; but of this generous example, the Minister should be slow to take advantage, and should avoid with peculiar care, any exaggerated description of the perils or of the embarrassments of the country, in order to produce an acquiescence in a tax of all others, the most convenient to the Minister, but the most harassing and vexatious to the people. Does the condition of England, does the state of her finances, do existing difficulties, do impending perils, make the imposition of a tax so odious, matter of inevitable need? That question will be put ere many months shall have passed, by that portion of the community, in which political power is deposited, and upon the answer to that question, the stability of the Government will depend, when the merits of the Minister shall be tried by some better test than the acclamations of heated partisans, and shall be determined by the results to which his legislation will conduct us. The right hon. Baronet has little to apprehend during the passage of his bill through the Parliament. He told us that he was ready to take the course which he had adopted in 1835. But I cannot help thinking that his magnanimity is misplaced; his public virtue will not be put to a trial so severe. Although it may seem paradoxical to say so, his difficulties will be the result of his success, and his will be one of those victories, which it requires less ability to win than to follow up.

When the Income-tax shall have been in actual operation, when a theory in the Parliament shall have become a burden upon the people when, schedule D shall have been made fearfully intelligible, when this tax shall have been charged to use a phrase familiar in debates on the Irish Registration Bill, upon the "beneficial interest" which a man has in all his earnings, and no allowance shall have been made as against this impost, for food, for fire, for raiment, for the roof over an English tradesman's head,—when the privacy of so many Englishmen shall have been invaded by the inquisitors, who are to be attached to your new fiscal tribunal, when a scrutiny shall have been instituted into the affairs of every man, when your commissioners, original, additional or special, shall conjecture to have gained 150*l.* in a single year, when all the pain and all the humiliation incidental to this tax shall have been felt, then, I feel persuaded that the people of this country will inquire whether this tax would not have been avoided, or whether the right hon. Baronet did not take advantage of a majority, hot from the struggle of a recent election, to inflict a tax, for which neither the present condition, nor the future prospects of England, afforded a justification. I have little doubt, that the people of England will think that the right hon. Baronet was mistaken in his view of the public embarrassments, that he over rated the exigencies of the hour, and that for the imposition of a tax so unjust, so inquisitorial and so immoral, he should have forfeited the confidence of the country. It is alleged by the right hon. Baronet, that an Income-tax is indispensable for the purpose of repairing a two-fold deficiency—that which already exists, and that which a great commercial experiment will involve. To create an additional deficiency in order to repair it by an Income-tax, to inflict a new wound in order to apply a favourite cure, is more than tentative, and if my right hon. Friend, the late Chancellor of the Exchequer, had made a proposition like this, he would have been regarded as an empiric of the most adventurous kind. But it is the good fortune of the right hon. Baronet, that his supporters entertain in his regard that sort of confidence, which Waller has happily described in his celebrated address to a great projector:—

"Still as you rise, the state exalted too,
Feels no disorder, when 'tis changed by *you.*"

I am one of those, however, who do not think that the experiment of the right hon. Baronet is of such value, that for the sake of indulging him in it, the country should submit to the calamity of an Income-tax. The tariff, by which the deficiency of 1,200,000*l.* is to be at once created, is not such a masterpiece, as to induce us to acquiesce in such an imposition, as he declares to be necessary for his great undertaking. He begins by sacrificing 600,000*l.* of the timber duties. Why should he abolish the duties on Canadian timber? Sir Henry Parnell, whose authority he quotes, and for whom he entertains great respect, ever since his celebrated motion on the Civil-list in 1830, does not suggest that the duties on Canadian timber should be given up. Mr. M'Gregor, the Secretary to the Board of Trade, a man of great talent, knowledge, and experience, whose evidence was so important before the Import Duty committee; who resided a considerable time in Canada, and who has written a valuable work on the subject, does not recommend that the duty on Canadian timber should be wholly relinquished, but that it should be reduced from 10*s.* to 7*s.* 6*d.* It is known to every body, that there is a species of Canadian timber, which we cannot dispense with, yellow pine for example, which is employed for a variety of purposes, to which Baltic timber is not applicable. It must come into this country, and to relinquish the revenue that would be derived from it, is a most imprudent proceeding. The course adopted with regard to the sugar duties is most censurable. When the enormous sum of 20,000,000*l.* was given to the West-India planters, there was no stipulation that their monopoly should be preserved, accordingly the duties on East-India and West-India sugar were soon after equalised. The duties on East-India and West-India rum were recently placed on a level. The present Chancellor of the Exchequer, the champion of the West-India interest, expostulated in vain. His eloquence appears to be more influential in the Cabinet, than it was last year in the House of Commons. As long as there existed an inequality of duty in East-India and West-India produce, the East and West Indians were strong antagonists; but the duties having been equalised, they formed a junction in favour of monopoly; the Government here entered into their views, and have consulted their interests at the expense of the whole British community. The Import Duties committee entered into a very minute and most important consideration of the effects that would follow from a reduction of the duties on foreign sugar. Those duties are enormous; they amount to the sum of 63*s.* per cwt., while the duty on colonial sugar is only 24*s.* It was proved before the Import Duty committee, by witnesses, whose judgment is unimpeachable, that as the reduction, of the duty on coffee produced a great increase of consumption and of revenue, the reduction of the duty on sugar would have the same effect, that to cheapen one of the necessaries of life would be of essential utility to the humbler classes, that sugar would be employed in various ways in which on account of its cost, it is now used; that our commercial relations with the Brazils would be most advantageously extended and confirmed; and that the demand for our manufactures would be considerably increased, and that an impulse would be given to the operative industry of the country. Mr. M'Gregor stated, that the revenue might be increased by so large a sum as 3,000,000*l.*, by a judicious alteration of the sugar duties. To that alteration the right hon. Baronet prefers an Income-tax, and among other objections to a change in the sugar duties, informs us, that he does not desire to give an impulse to slave labour. Yet, by a strange contradiction, he reduces the duty on foreign coffee, the produce of slave labour, and he permits Brazilian and Cuba sugar to be refined in England, and to be exported for consumption in those very colonies in which slavery has been suppressed. His tariff is in these particulars most essentially imperfect. In the case of such a tariff, the evils of an Income-tax ought not to be inflicted, and if any substantial argument can be adduced in favour of so odious a measure, it is in the existing deficiency that we must endeavour to discover it. That a deficiency exists must be admitted and deplored, but those who are disposed to pronounce an unmeasured censure upon the Whig Government, as the occasion of that deficiency, ought to bear in mind, that from 1830 to 1836, the Whigs reduced taxes to the amount of 6,000,000*l.*, and that notwithstanding that great reduction, there was a surplus of revenue in that time of upwards of 6,000,000*l.*, so that no actual augmentation of the national debt has taken place under the Whig Ministry. It was imagined, that the Tories had reduced the taxes to such an extent, before the accession of the Whigs, that no opportunity would be afforded to their successors of diminishing the public burdens. I am very far from denying that the Tories deserve great praise for having, independently of the Income-tax, abolished seventeen or eighteen millions of other taxes, but it seems extraordinary that when his predecessors began by repealing the Income-tax, and then proceeded to remit other taxes to a vast amount, the right hon. Baronet should invert the order of proceeding, and as if the Income-tax were of all taxes the least onerous, the most popular and the most just, he should make it the object of predilection, and select it as the basis of his whole system of finance. What is the history of this Income-tax, which the right hon. Baronet prefers to every other impost? It was proposed by Mr. Pitt, in whose gigantic footsteps the right hon. Baronet, so far as taxation is concerned, seems disposed to tread, in the midst of a great emergency. The rights, liberties, institutions of England—the existence, the life of England, were at stake. But Mr. Pitt did not, in enforcing the necessity of having recourse to an Income-tax, deliver a speech so elaborate as the right hon. Gentleman to the patriotism of Englishmen, he did not address any enthusiastic adjunction. No wonder the funds at fifty-two, the mutiny at the Nore, a rebellion in Ireland, disaster abroad, treason at home, the armies of the French republic every where victorious,—these topics did not require any eloquence to set them off. Accordingly the Income-tax was adopted in 1798 without a dissentient voice, but four years after, so soon as the peace of Amiens had been concluded, Mr. Addington went down to the House of Commons, and declared that, as the Income-tax was a war tax, and ought to be reserved for the greatest emergencies, it gave him the utmost satisfaction to be able to announce that it should be forthwith repealed. But Sir Francis Burdett was not contented with this intimation, for on the 12th of April, in the same year, he said, that he was not satisfied that that tax should merely be repealed, but that some declaration should be placed on the records of Parliament with respect to it, that should ever afterwards stigmatise it as an infamous measure. The hon. Baronet added,

"The Income-tax has created an inquisitorial power of the most partial, offensive, and cruel nature. The whole transactions of a life may be inquired into, family affairs laid open, and an Englishman, like a culprit, summoned to attend commissioners, compelled to wait like a lacquey in their ante-chamber from day to day until they are ready to institute their inquisition into his property; put to his oath, after all perhaps disbelieved, surcharged, and stigmatised as perjured, without any redress from or appeal to a jury of his country. And it is worth remarking, too, that a little before the introduction of this unprincipled scheme of plunder, the law of perjury was altered, and the punishment made transportation to Botany Bay. Sir, the repeal of this tax is not a sufficient remedy for its infamy; its principle must be stigmatised and branded."

I do not quote this language because I attach any particular value to the opinions of the hon. Baronet, but because this language is expressive of the public sentiment in 1802, of which at that time the hon. Baronet was a vindicator. Hostilities having been re-commenced, it became necessary to resort again to this calamitous impost. Disaster followed upon disaster, and in 1806, when in the battle of Austerlitz Austria had been struck down, when Prussia and Russia had been humbled to the dust, when to the progress of the great conqueror no obstacle seemed to be interposed—let the condition of England in 1806 and in 1842 be compared—it became necessary to exact the Income-tax with still greater rigour, and that machinery was framed which the right hon. Baronet has selected as his model. The right hon. Baronet has adverted to some of the provisions in the bill introduced by Lord Henry Petty, but he omitted any reference to the concluding, and, in my mind, conclusive clause:—

> "And be it further enacted, that this act shall commence and take effect from and after the 5th day of April, 1806, and, together with the duties therein contained, shall continue in force during the present war, and until the 6th day of April next after the ratification of a definitive treaty of peace, and no longer."

During ten years England had ample experience of the fearful evils of this most obnoxious impost—of those evils the right hon. Baronet spoke somewhat lightly; and such language was employed in reference to this tax, that it seems sufficiently clear that if once the blister is applied it will become perpetual, and the more it draws the more closely it will adhere. We have been told that there is no tax, indeed, which is not attended with inconvenience; that no fair man can reasonably object to a disclosure of his circumstances, and that the people of this country are too moral to yield to the pernicious influences with which it is supposed that an income-tax will be attended. With such showy plausibilities is the medicament, the bitter medicament, gilded by the adroit experimentalist by whom it is compounded. The impressions connected with the Income-tax are not so vivid as they were twenty-six years ago; but there remains on record, and set forth in the history of Parliament, sufficient evidence to prove with what feelings of deep loathing the Income-tax was regarded by the great mass of the English people. Is it mere imagination to suggest that this tax is unjust, inquisitorial, and immoral? Did it not, while in operation, teem with evil? Was it not fertile of falsehood and of fraud? Was not the scrutiny which is inseparable from it an object of execration, and through the length and breadth of all the land was not a cry raised for its repeal, as if it were one of the greatest calamities which could be inflicted on the country? Are the statements set forth in the remarkable petition of the bankers, merchants, and traders of London, in 1816, against this tax mere invention? That petition was presented by Sir William Curtis, a man devoted to the Tory party, but who denounced the Income-tax, and said that it was a monstrous breach of faith to continue it after the war had ceased. Sir James Shaw stated that he had attended the meeting, at which 22,000 of the citizens of London had assembled, and that the income-tax had been unanimously reprobated. Mr. Baring, the greatest merchant in the greatest mercantile country in the world (you have lately given evidence of your reliance on his judgment and his sagacity), concurred in the unqualified condemnation of the Income-tax. Mr. Wilberforce, who had the morals of England so much at heart, pronounced a strong censure on this baneful impost. But in reading the speeches delivered in 1816, against the income-tax, I was not struck by any one of them more than by that of a man well acquainted with the interests of all classes of Englishmen, and to whom the right hon. Baronet must look back with a feeling of affectionate veneration—I allude to the late Sir Robert Peel. He said that it was utterly absurd to imagine that the Income-tax which pressed upon the middle classes did not affect the humbler classes of the community, and he added that an Income-tax, in his judgment, was the very worst—aye the very worst, which could be proposed. Such were the men by whom the continuance of the Income-tax was opposed. By whom was it supported? By Mr. Vansittart and Lord Castlereagh. But Lord Castlereagh had a far more powerful case than the right hon. Baronet. England had borrowed one hundred millions in the two preceding years; the repeal of the Income-tax would necessitate a loan of twelve millions for the then current year, and eight millions after. The country had not recovered from the fearful struggle from which it had come exhausted and breathless—the effects of the war had not passed away, and under these circumstances Lord Castlereagh appealed to the country, to make a sacrifice for two years longer, and to make one last effort for the sustainment of the public credit. To his invocation the House of Commons were insensible, and it will be strange indeed, if in a reformed Parliament—in a Parliament whose reform he to the last opposed—the Member for Tamworth should achieve that which in an unreformed Parliament, with all his influence and all his plausibility, Lord Castlereagh was not able to accomplish. The motion for a continuance of the Income-tax was lost by a majority of thirty-seven. It was repealed, and in the succeeding years, up to the present period —independently of the Income-tax — twenty-three millions of taxes were remitted. In that enormous mass cannot the right hon. Baronet find some means of recruiting the finances of his country, without resorting to so fatal an expedient? He does not choose, it is said, to renew those taxes which would press upon the comforts of the poor, whose "ignorant impatience of taxation" it is no longer judicious to provoke. It is almost unnecessary to suggest that, as the late Sir Robert Peel observed, the tax which presses upon the middle classes must affect all those below them; but how does the right hon. Baronet reconcile with his sympathy for the poor the maintenance of the great colonial interests, while so many thousands of poor operatives, cutters of corks, makers of shoes, gloves, bonnets, are sacrificed to the genius of free-trade with so relentless a rigour? Let the interests of the poor be consulted, but by some means less inequitable than an Income-tax. What can be more unjust than to lay the same tax upon the intellect of one man, and upon the acres of another? Look first at the proprietor of great territorial possessions, encompassed with every advantage by which existence can be cheered, and life can be prolonged, in the daily enjoyment of the most healthful exercise, free from all mental pain, and exempt from every discomfort, excepting that which arises (to use a phrase of Edmund Burke) "from the laborious lassitude of having nothing to do," secure of the permanent retention of his estates, and of transmitting to his progeny the splendid mansion and extensive domains, which through a long succession have come down to him. Turn from him, and look at the professional man, who is engaged from morning till night, and from night almost till the break of day, in the exhausting occupations from which his precarious subsistence is derived; mark, not only the toil, the incessant toil which it is his destiny to suffer, but the wear and tear of the feelings, and of the faculties which he must needs undergo, the despondency, the faintness of heart which at the approach of the slightest ailment must come upon him, the sense of insecurity by which he must perpetually be haunted, the apprehension, the consuming solicitude that must beset him, lest by the gradual decay of his faculties, or the sudden loss of health, he may be deprived of the means of earning his livelihood, and those who are dearer to him than himself, may be reduced to destitution. Look, I say, at these two men, of whom I have presented to you no exaggerated delineation, and then do you—you, who are yourselves the inheritors of large possessions, you who are born to affluence—you, who have never known a care of to-morrow—do you "who live at home at ease," and know so little of dangers and the storms of adversity—do you, I say, declare whether it be just, whether it be fair, whether it be humane, that upon both these men, and in the same proportion, the same impost should be inflicted. Shall we levy the same contribution on a man with 10,000*l.* a year, and upon officers in the army and navy, poor clergymen who endeavour to educate their children as the children of gentlemen should be brought up, widows with miserable jointures, tradesmen, artisans, small retailers who eke out a subsistence from the petty business to which, for sixteen or seventeen hours out of the four-and-twenty, they are devoted? Is it right to tax them as you do the great patricians of the land, and to force them to discover upon oath what perhaps it most deeply concerns their just and legitimate pride that they should conceal? What can be more fearful, more humiliating than to make a confession of adversity to let a set of heartless functionaries into the secrets of calamity, and to lay misfortune bare? The commissioners are empowered to examine upon oath, and to repudiate the testimony which a man gives in his own favour. To what immoral results must this practice lead? It has been suggested, that under our existing system, oaths must frequently be administered, and that there is a good deal of swearing in the Excise. True; but is it judicious to extend through every ramification of society the spirit of the Excise, and to get up a struggle between the interests and the conscience of every man who is to be charged with this baneful impost? The people of England are moral, but they have cause to pray that into temptation they may not be led. This tax is an immoral one; and, as I have heard in this House, when the rights and franchises of my countrymen were in question, a vehement denunciation against "villainous perjury," I trust that to the Irish hustings your abhorrence of perjury will not be confined; that to its perpetration you will not supply incentives; that as you are not, I hope, Pharisees in religion, you will not prove remorseless Publicans in finance; and that you will not send forth a band of tax-gatherers through the kingdom, and arm them with the Gospel, that they may put the conscience of every honest man to the question; while to every prevaricator, every shuffler, every equivocator, every perjurer, an impunity, proportioned to his utter destitution of all principle, is scandalously secured. I am not in speaking thus guilty of any the least exaggeration of the evils of the Income-tax, for I find a warrant for every word that I have uttered in the reiterated statements contained in hundreds of petitions which in 1816 were piled upon the Table of the House of Commons, and of these statements no contradiction was ever yet attempted. The evils of the Income-tax are so monstrous, that it is almost impossible to heighten them—they set hyperbole at defiance. But, at all events, of no exaggeration could any man in inveighing against the evils of the Income-tax be possibly guilty, comparable to the exaggeration into which the right hon. Baronet allowed himself to be betrayed, when he indulged in a description so eloquent, but so highly coloured, of the disasters of his country. Remarkable as his speech was for a surplus of ability, it was not more conspicuous for talent than for the very exaggerated terms in which he permitted himself to describe the difficulties and dangers of England. If, Sir, at the close of that speech, some one, who had lived in sequestration from the world, and for the last five or six years had not heard of the events which have passed within that period, had chanced to have entered this House, he would, I think, have been tempted to exclaim—appalled by the right hon. Baronet's magnificent peroration—"Good God, what has happened! Is England brought to the verge of ruin? Has one greater than Napoleon, and of whom Napoleon was but the precursor, appeared? Is the world in arms against England?—have her fleets been sunk in the ocean, and with Wellington at their head, have those legions that were once deemed invincible, at last given way?" What would be his surprise at hearing that the repose of Europe was undisturbed, that her Majesty had declared that she continued to receive assurances of the most friendly dispositions from all princes and states that all the great powers had signed a common treaty for the preservation of the dominions of the Porte, and for the maintenance of peace; and that not very long ago another right hon. Baronet, the Secretary for the Home Department, had taken upon himself to state, as evidence of the influence of a Conservative Government in promoting peace, that the French minister had agreed to reduce the navy of France, and that wherever our eyes were turned prospects of cloudless felicity were disclosed. What! when a purpose is to be gained, shall one Minister announce, that under Tory auspices, the peace of Europe is secure; and when money is to be got, is another Minister, or rather the master of the Ministers, to talk of the cannon, whose sound has not reached our ears, and to strike terror into the heart of the country with vague and appalling intimations! Contrast the speech of the right hon. Baronet on the Income-tax with that which he delivered on the Corn-laws. The distresses of the country were then, forsooth, transitory and evanescent—they arose from bad harvests, and the temporary difficulties of America; and in the resources of England, in her energy and elastic power, his confidence was unabated. I concur with him, and, thank God, that we are not come to such a pass, that the right hon. Baronet is justified in insisting upon the adoption of an impost, which hitherto (except in the midst of the most disastrous warfare) no Minister of England, except himself, has had the boldness to propose—which is fraught with such multifarious mischiefs, that the instant her great adversary had been subdued, England declared that she would no longer bear it, which, in its working, is admitted by its advocates to be most cruelly unjust—which establishes an inquisition almost as abominable as a religious one, which multiplies oaths—makes as familiar as mere household words that awful attestation by which, as we speak the truth, we call on God to help us—converts the Gospel into a mere implement of finance—prostitutes to purposes the most villifying that sacred book, which it is your boast that beyond all Christian nations you hold in reverence—which awards a premium to falsehood, and inflicts a penalty on truth—from which honesty cannot escape, and by which fraud cannot be caught, and which, of all the imposts which it is possible for a perverse ingenuity to devise, is the most prejudicial to the interests, offensive to the feelings, abhorrent to the religious sentiments, and revolting to the moral sense of the English people.

During the cheers and counter-cheers which followed the right hon. Gentleman's speech,

Mr. *Brotherton* moved the adjournment of the debate.

Sir *R. Peel* rose, and was about to address the House when he was interrupted by cries of adjourn, and it was intimated that the adjournment of the debate had been moved.

Sir *R. Peel:* Mr. Speaker, I wish to ask whether or not any motion was made before I rose?

The *Speaker* said, that Mr. Brotherton had moved the adjournment of the debate.

Sir *R. Peel:* I wish, Sir, to speak to the main question. I can of course speak to the question of adjournment, but I rose after the right hon. Gentleman under the impression that no motion had been made previously. I was about to address myself, therefore, to the main question.

Mr. *Wason* said, that the question of adjournment had been put before the right hon. Baronet rose.

The *Speaker* said, that the hon. Member for Salford rose and moved the adjournment immediately after the right hon. Member had concluded his speech, and he put the question as soon as possible. When the right hon. Baronet rose to speak he asked the hon. Member for Salford if he persevered in his motion, and the hon. Member answered in the affirmative.

Sir *R. Peel:* If I address myself to the main question it may look like evasion, although I presume I could, consistently with order, enter into the merits of the main question; but I should have to allege that I did so for the purpose of showing that the House ought not to adjourn. If in doing that I could be supposed to show a bad precedent, or if it would appear that by that course I should be guilty of evasion, I will not in the position that I stand, condescend to any such evasion. I therefore, ask you, Sir, whether I ought in strictness to confine myself to the question of adjournment?

The *Speaker* said, that of late years it had not been deemed necessary to adhere strictly to the question of adjournment under such circumstances.

Sir *R. Peel:* Sir, if I am in order, if I am not chargeable with evasion or any bad precedent—I will then speak to the main question. With unabated confidence in the expediency and in the necessity of the proposal which I have made, I call on the House and upon the country to take an energetic and decided step for the purpose of rescuing this country from the calamity and disgrace which a continued indifference to and connivance at our financial difficulties are calculated to produce. You rest your opposition to this measure upon double grounds. You say that I establish no sufficient necessity to warrant the proposal which I have made, but you also say, that even if the circumstances of the country were such as to call for a decided step some other course should be pursued than resorting to direct taxation, and you charge me with exaggerating the financial difficulties of the country for the purpose of carrying this measure. Now I shall again repeat to you and to the country what the real position of this country is with respect to financial difficulties. I say this, that in the year 1836 (the Melbourne Government having been restored to office in 1835) you came into the administration of the finances of two great empires under the dominion of her Majesty, one of which was this United

Kingdom, and the other the great empire in the East, where 100,000,000 of subjects are subjected to our sway. [*"Confusion, cries of divide."*] I hope, Sir, that I may be allowed to proceed in the performance of my public duty, and in vindicating myself against the charge of overrating the financial difficulties which we have to meet. In 1836 you had the administration of the affairs of two great empires, and the finances which you had to administer were then in this condition. In this country there was a surplus of revenue over expenditure of 1,376,000*l.*, and in India there was a surplus of revenue over expenditure of 1,556,000*l.* You entered therefore, on the performance of your duties with a net surplus in the finance of the two empires of 3,000,000*l.* of income above expenditure. How have you left it? Am I overrating difficulties. Well, you found in that year (1836) a surplus of revenue of 3,000,000*l.*, and you left a deficit of 5,000,000*l.* in the year ending the 5th of April, 1842. The financial deficit of the United Kingdom in that year is 2,570,000*l.*, and the deficit revenue of India for the year ending at that period is 2,430,000*l.* Therefore I am justified in stating that you found, when you came to administer those finances, a surplus of revenue, amounting to 3,000,000*l.*, and in the year on which you quitted office, you left a deficit, which it is my duty to attempt to supply, of no less than 5,000,000*l.* The difference between the finances of the country, therefore, from the time you undertook the charge of those finances until you quitted office is against the country, and against its credit 8,000,000*l.* If, then, I have substantiated that difference and the existence of that deficiency, have I overrated the necessities of the country? You do not believe, perhaps, that the financial difficulties of India will recoil upon you; but if you think so, I shall convince you that the time is approaching when you will know by experience that such a position on your part cannot be maintained. You commenced in 1836, in a time of peace, with a surplus of 3,000,000*l.*, and notwithstanding that, you have left the country with the present deficiency of 5,000,000*l.* Sir, there was a minister of this country who, in speaking of the financial affairs of it, delivered this opinion—

> "To enter upon the financial year with a deficiency of 1,000,000*l.* was what he hoped no minister of this great nation would ever consent to, and no House of Commons would ever sanction. The necessary consequence of such a proceeding would"—

This minister was speaking of a deficit of only 1,000,000*l.*

> "The necessary consequence of such a proceeding would be to make the faith of the country suspected at home, to diminish its reputation abroad, and to place us in such a situation as would necessarily deprive us of the high and noble position whith we had hitherto held among the nations of the world."

The minister who delivered those sentiments in speaking of the deficit of a single million is reported to have been Lord John Russell. You began with a surplus: you acknowledge that the existence of a surplus is necessary to the maintenance of public credit. Proposals are made which find most eloquent advocates, for the remission of taxation. You had then, I say, a surplus amounting to a million and a half. A proposal was made to reduce taxation—taxation, too, bearing injuriously on the lower classes—bearing injuriously on the industry—bearing injuriously also on the property, of the country: but the minister, sensible of the evil of having a deficiency in the revenue—of having a deficiency for a single year of a single million in the amount of his income to meet his expenditure, told you that no minister fit to govern this great country would commence his financial year with a deficit; for, if he did, he would diminish the security of credit at home, and the respect due to the country abroad, and would thus deprive us of that high station which we had so long enjoyed among the nations of the world. Now when I present to you a deficit of 3,000,000*l.* in your expenditure at home, and show you that you have a deficit of 2,500,000*l.* in addition in another hemisphere, you tell me that I am over-rating the difficulties of the country. And I tell you that that is the natural consequences of conniving at such a state of things as you have for some time past been enduring. And then you tell me in turn, that after having incurred an enormous national debt to the amount of 800,000,000*l.* there is no great harm in making to that debt the small addition of 2,000,000*l.* more. Do not deceive yourselves—do not attempt to deceive others by such pretences; be not deterred from making the exertions which the occasion requires; for if you are, then will the prophecy of the noble Lord be fulfilled, that the credit of the country will be suspected, and you will descend with inconceivable rapidity from your present high and exalted station. "Oh, but we have met with no disaster," say the hon. Gentlemen, on the other side. No disaster! When had you before in the whole cycle of your history any disaster like that which had befallen you in Affghanistan! A disaster, which I admit is not irreparable —a disaster which I trust will be speedily repaired by the spirit and vigour of your counsels, and by the gallant exertions of your armies: but when did you ever read in the history of England of such a wholesale slaughter as that which has recently befallen your forces, and which a single individual has escaped to narrate. His letter has appeared in all the newspapers. Here is what that individual writes:—

> "My life has been saved in a most wonderful manner, and I am the only European who has escaped from the Cabul army (although we have heard of two having been taken by the enemy, it is very doubtful if they will be spared). Two natives only have reached this place, making, with myself, three persons out of an army of 13,000."

Do you yet know the whole extent of your loss in Affghanistan? Have you not lost 10,000 men since the commencement of your operations in that country? The loss, I again say, is not irreparable; every effort ought to be made, and every effort shall be made to restore it. And shall we not have the means of doing so? How can we judge of the moral effects of these occurrences? Recollect what efforts it may be necessary for you to make for the purpose of retaining that great empire, which depends less upon your physical force than upon the moral power which you exercise over its numberless inhabitants. If some decisive effort must be made for the rescue of the troops who are still left in Affghanistan—if some strenuous measures must be taken for the reparation of that great disaster—if some glorious feat of arms must be achieved for the retrieval of that temporary slur which has been cast upon your commanders and your forces—if that must be done, cannot you perceive the positive necessity of your making here at home some vigorous exertions for the sake of supporting Government in those efforts which you admit that it is absolutely requisite that the Government should take. Have I said enough to convince you that the difficulties under which we now labour, and which we are bound speedily to remove, may require on your parts great exertions—I mean great exertions both in a military and in a financial point of view; and shall I receive as a sufficient answer to my statement an extract from the Queen's speech at the commencement of the Session, stating that we have no European war to dread? Because dangers are at a distance, may we safely disregard them? With these disasters before us, let us now proceed to consider what is the measure to which this country will resort in order to meet them, or what is the measure which, when proposed by Government, it will consent to adopt! There is now a deficit of three millions in your expenditure at home. Do you entertain any sanguine hope that in the course of the next year, in the present complexion of your affairs, you can by any reduction in your estimates or your establishments accomplish a saving to that amount? I do not think that any man is sanguine enough to entertain such an idea. I also think that your deficiency is not a temporary deficiency. Now, if you are determined not to resort to direct taxation, are you prepared to submit to an indefinite amount of indirect taxation as a substitute for it? I have proposed to you a tax on income, from which all persons whose income is less than 150*l.* a year are to be exempt. I propose to you a tax which has hitherto been reserved for time of war, but as the hon. Member for Coventry justly observed, it would be mere miserable political pedantry, to insist that war was the only necessity in which an Income-tax would be justifiable. The question really is, whether the political necessity is of such magnitude and urgency as justifies its imposition. Now, the noble Lord proposes as a substitute for that Income-tax the budget of last year. Now, the noble Lord never could have proposed that substitute under the notion that war was the only cause which could justify the imposition of an Income-tax. The noble Lord could never have thought that there might not be a political necessity in time of peace,—and I speak not only of an European peace, but of a general peace,—when all the political horizon was undefaced by a cloud—in which an Income-tax might not be perfectly justifiable. Because in the year

1833, when Lord Althorp was beaten upon the malt-tax, and when a proposal was made for the repeal of the house and window-tax, Lord Althorp proposed, and the noble Lord supported, an abstract resolution to this effect, that if a deficit in the revenue were caused by that resolution, the only alternative to which the Government could resort would be a property-tax. Yes! a property-tax. That was the expedient proposed by the Government of which the noble Lord was a Member, for the purpose of dissuading the House of Commons from reducing the house and window-tax. The property-tax was allied with an Income-tax, and in the resolution, it was stated, not that you would resort to the sugar duties—not that you would resort to the timber duties—not that you would resort to the corn duties—but that your only alternative was a property and an Income-tax. When a great party supported that resolution, is it possible either for you who were its leader or for you who were its members, now to turn round and tell me that a property-tax is not a justifiable tax in time of peace? Could I, after reading what Sir Henry Parnell, your chairman of a finance committee, has placed upon his record in his different financial works—could I, after reading the opinions of Lord Althorp and of Mr. P. Thomson upon that occasion, believe that as a necessary consequence of my present proposal I should be exposed to this determined opposition from the different Members of the late Administration? "Oh," said the noble Lord, "you might have had recourse to other measures of taxation; you might, for instance, have placed a legacy duty upon real property." Suppose that I had argued with myself thus:—"Let me consider the propriety of imposing the legacy-duty on real property. If I propose it, shall I have the support of the late Government?" Well, what do I find upon record in the debates of the year 1840, on that very proposition which the noble Lord now suggests that I might have brought forward? I find his own Chancellor of the Exchequer, in the year 1840, using this language:—

> "My hon. Friend (Mr. Hume) says, that instead of taking the taxes as I propose, the Government ought to have moved a legacy-duty on real property. I will not go into the details or the modes in which my hon. Friend proposes to put that tax on, because my objection is to the principle of the tax."

That, I repeat, was the language of the Chancellor of the Exchequer in the year 1840. Supposing, then, that I had now brought forward this measure, and had calculated upon the imposition of a legacy duty on real property as one of the means of meeting the deficiency for the present year, should I not have been met immediately with the suggestion that the property-tax would be a much more expedient tax to propose? Should I not have been told that the late Chancellor of the Exchequer had placed on record his opposition not only to the detail, but also to the principle of the measure? The noble Lord, I repeat, suggests two measures in lieu of mine—one for the remission of the duties upon corn, another for the imposition of a legacy duty on landed property. [An hon. *Member*: An increase of the assessed taxes.] Ay, and an increase of the assessed taxes. I hope that my agricultural Friends, who have been described by the noble Lord this evening as having heads partaking of the heavy nature of the clay which they cultivate, will not forget the nature of these three proposals. And here I may be permitted to step aside for a moment, and ask, if I had spoken in such terms of any manufacturing opponents of mine—if I had used such language of any of the manufacturers who speak disparagingly of me, what would have been said of my arrogance and presumption? If I had spoken of any class of men as the noble Lord spoke of the agricultural class, which has offended him, I wonder what would have been the terms of reproach heaped upon me for the use of such contumelious language. I confess that I am surprised, when I hear from the hon. Gentlemen opposite, that my agricultural friends feel it necessary to vindicate themselves because they have given me their support. At one time they are charged with having broken the pledges which they gave to their constituents; and yet the sound of that charge is scarcely extinct, when I am told, as I was in the debate last night, that in bringing forward my new Corn-law, I had considered exclusively the advantage of the agricultural interest. Did you not, when I brought this Corn-law forward, receive it with insult and derision? Why, you cannot charge me with being subservient to the agricultural interest, and at the same time charge the agricultural interest in this House with having forfeited all the pledges which they gave to their constituents on the hustings, because they were too subservient to me? These two charges are inconsistent with each other. I repeat again, that the only relief proposed for the country by the noble Lord consists of a fixed duty of 8*s.* on corn, an increase of the assessed taxes, and an imposition of a legacy duty on real property. First of all, with regard to a fixed duty of 8*s.* on corn. But that tax has already been negatived by the House, and must at all times be a precarious source of revenue; for in case of a favourable harvest, no corn would be imported, and there would then be no revenue at all. I come now to consider the expediency of increasing the assessed taxes. What increase is it that you would propose? You have lately increased them 10 per cent. I much doubt whether a great deal might not be said in favour of a property-tax as against an increase in the assessed taxes. If it be objected to a property-tax, that it diminishes the comforts of the poor by reducing the fund for their employment, I think I can show that assessed taxes are liable to the same imputation; and when the noble Lord proposes to resort to assessed taxes as a means of supplying this deficiency in the revenue, I think I could show him that every addition he made to assessed taxes would be more prejudicial in its effect on the labouring and industrious classes than a property tax. But observe, if you choose to supply your revenue by assessed taxes, how are you to exempt certain parties—professional men for instance. You charge against a property tax that the income from professions is rated under it in the same proportion as that applied to the profits of manufacture, or the interest of capital. Increase the assessed taxes, and then parties would be liable to the same charge. You do not allow them to go free of the house-tax, the window-tax, or any other assessed tax which it may be asserted (as in the case of the professional man) to their respectability to be rated to. And let it not be forgotten that the higher you raise the assessed taxes, the greater you make the temptation to quit this country. Here is a great proprietor, of 50,000*l.* or 60,000*l.* a year. Tax his house 20 per cent., and you cannot prevent his closing it, and you thus add an additional temptation to repair to a foreign capital, where he finds himself free from asessed taxes. By the measure I propose, I reach him by means of an Income tax. I touch his landed property through the intervention of his tenantry; and if he have no tenants, I affect him through the funds. He may go abroad, but he is subjected to the charges he ought to bear in meeting the difficulties of the country. But tax his windows, or his house, and he will dismiss his establishment, and reduce the demand for productive labour by going to Milan, Rome, or Paris. The noble Lord will not touch him there; but I shall. The noble Lord, however, will visit clergymen and widows, and all those who have not the means of travelling, with his impost. And just in proportion as he creates encouragement to go abroad by an exemption from the tax, does he press more severely on those who remain at home, and cannot relieve themselves from contributing to the necessities of the state. But the noble Lord would resort to his old nostrum of the timber duties to supply the deficiency in the revenue. What does the hon. Member for Coventry, who is as free from the mere trammels of party as any man in this House—what does the hon. Member for Coventry state upon that subject? He has said distinctly that he approves of my proposal with respect to timber more than of the proposal of the noble Lord. Now, if there be any article which enters more into the common consumption of the people than another, and which ought if possible to be exempted from taxation, it is this very article of timber. The proofs which I have had laid before me of the effects which the cheapening of timber would produce in the encouragement of local improvements, and in the promotion of the building of bridges and of piers, are so convincing and overwhelming, that it is almost impossible to resist the necessity of reducing the duties on timber. What increased sources of employment will not the measure open to the manufacturing classes? We hear of the distress of the shipping interest—of the immense importance, commercially and politically, of reviving the prosperity of that interest. How can we do so more effectually than by facilitating the purchase of timber? If we enable the ship-builder here to compete with the ship-builder abroad to how many men shall we not give employment? What vast sources of maritime strength may we not expect to accrue to us. Has not the high price of timber been a great impediment to the construction of houses? Has it not affected the very mode of building? What has been its influence upon the construction of cottages? Now, I desire to know from the noble Lord opposite, and I beg to ask hon. Members generally, whether any one who has looked at the reports laid before this House can for a moment doubt, that the alteration in the timber duties can prove otherwise than a great boon to the people of Ireland? I take the cottages of the poor in Ireland. I ask any hon. Member who has read the evidence laid before the House on that subject to say, if that evidence does not contain the strongest possible proof that no want is more severely felt in Ireland than the want of timber? The high duty also operates most injuriously upon British fishermen. Owing to the better construction of their boats, the foreign fishermen enjoy a monopoly of fishing in deep seas. Reduce the price of timber, and you at once enable our fishermen to compete with them, and thus give the means of employment to a large number of men. An hon. Member opposite says we ought to make Canada an integral part of the empire; and immediately after, he proposed that we should put an additional duty on timber the produce of that colony. I purpose that Canadian timber shall enter into fair competition with the timber of this country, whilst I retain a duty of 30*s.* upon Baltic timber, which I hope will be sufficiently protective of that of Canada. By adopting my proposition with respect to timber, we shall increase the demand for productive industry, whilst, at the same time, we shall indirectly increase the revenue. I admit that the effect of my measure will be to cause an immediate loss of revenue, and that, on the contrary, an increase of revenue would probably result from the adoption of the noble Lord's plan; but still I think that mine is superior to that of the noble Lord. Now, with respect to sugar, the noble Lord mistakes if he supposes that, when I referred to articles upon which a reduction of duty had not led to a corresponding increase of revenue, and that we could not hope to realise any immediate advantage from pursuing a similar course on the present occasion, I was referring to sugar. I never denied that the consequence of reducing the duty upon foreign sugar must be an increase of revenue. I said before that that was not my objection to the proposition of the noble Lord. If the proposition were made now to retain the existing duty upon British sugar, and to reduce the duty on foreign sugar to 36*s.*, I would oppose it. If we must deal with sugar, I think the way in which we ought to deal with it is by making a considerable reduction of duty as well with respect to colonial produce as to foreign produce. Why have I dealt so liberally with respect to timber, but because I want the profit arising from the reduction of duty to be obtained by the consumer. It is infinitely better to deal on a large scale with great articles of consumption, and to make a great reduction of duty, in order that the consumer may obtain the advantage of it than, as has been done in some cases, to reduce the duty, so that we lose the revenue and put the profit in the pocket of the wholesale dealer. I never doubted that the noble Lord might make a proposal with respect to sugar, which would have the effect of increasing the revenue. I must say, however, that we, last year, realised as much revenue from sugar, in consequence of the increased produce of our own colonies, as the right hon. Gentleman opposite (Mr. Baring) expected to obtain from the reduction of duty on foreign sugar. That, I admit, is not a decisive argument against the right hon. Gentleman's proposition because the principle of that was competition. The ground on which I opposed it was that, after the sacrifice we had made for the abolition of slavery, it would not redound to the honour or credit of the country to permit the introduction of sugar, the produce of slave colonies, without an effort, at least, to obtain some corresponding concession with respect to the slave-trade. I must say that, without closing my eyes in the slightest degree to the advantages to be derived from reducing the price of ugar, I do think, in the present state of the controversy with other countries in respect to the slave-trade, and seeing the suspicion which is most unjustly thrown upon our motives, if we were now for mere pecuniary considerations, for the first time, to admit sugar the produce of Cuba and the Brazils, without having said one word with respect to any stipulation as to the slave-trade, we could not continue to maintain the character and influence which we now possess. This, I know, that men whose motives are entirely disinterested and free from any suspicion, such as Dr. Lushington, Sir Fowell Buxton, and some of those who have taken a most active part in respect to the abolition of the slave-trade, protested in the strongest terms against the admission of foreign sugar without any stipulation being made with respect to the slave-trade, and would not foreign nations refer to the testimony of those Gentlemen, given against the interests of party, if we, for mere pecuniary consideration, should admit sugar the produce of slave-labour. What was the course pursued by the right hon. Gentleman, the Lord Mayor of Dublin? He gave notice that no foreign sugar should be allowed to be imported except from colonies where slavery did not exist, and he abstained from bringing it forward only because it would have interfered with the provisions of the reciprocity treaties. Lord Brougham expressed similar opinions. It was said, that we took cotton and coffee which were the produce of slave-labour; but there was this to be observed, that we had always taken those articles, whilst it was proposed that we should now for the first time begin to take sugar the produce of slave-labour. These were the arguments which the right hon. Gentleman opposite opposed in 1840 to the proposition of the hon. Member for Wigan for admitting slave-grown sugar. The noble Lord alluded mysteriously to other taxes which might be resorted to, but he has taken care not to name them. I hope the labouring classes will observe that the noble Lord threatens them with renewing some of the taxes which have been repealed during the last twenty years, for that was his object in referring to them. Looking, then, at the whole of the arrangements which I have made—looking at the taxes which I propose to lay on, and at those which I intend to remove—I do think myself warranted in saying that I have done all that could be accomplished for the working man, and most especially do I say this when I remember that I have exempted from the tax all incomes below 150*l.* a-year. Supposing I were to attempt to raise revenue by increasing the duties on other articles of general use and consumption—supposing that such was my object, what are the articles that could be selected? They are salt, leather, beer. I entertain no doubt but that I could, by taxing these articles, raise revenue, as well as I could by the proposal of an Income-tax. But, Sir, I require more than what is necessary to meet the deficiency under which we at present labour. Look at the state of the country with reference to foreign nations. Look at the war in India and China. We have to send six regiments to India, in order to maintain the honour and power of this country. This is attended with no little expense. Again, it should be borne in mind that as yet we have not come to the House for the supplemental estimates. I say the House ought to bear in mind these facts. It is not merely the deficiency with which we have to deal. The noble Lord says correctly that the deficiency this year is 2,500,000*l.*, and that I propose, by the proceeds of the Income-tax and by the tariff, to obtain the sum of 4,381,000*l.* That is my proposal. In doing this it is my intention to apply a great portion of the surplus to the remission of other taxes, which press heavily upon the country, as well as to the removal of the duties upon other articles which interfere with the productive industry of the nation. Sir, I consider, in proposing the adoption of an Income-tax that I give a great boon to the country—to the productive industry of the country—to the manufacturing, commercial, and trading interests of this nation. That is the measure which I, on the part of the Government, have thought it my duty to submit to Parliament. I wish this to be known, not only in the House of Commons, but I wish it to go forth to the country. I think the country ought clearly to understand my proposition. I think they ought to see through the motives of those who have raised an opposition to it. Constant references have been made to the tariff which has been proposed. By that tariff the duty upon articles of sustenance is to be greatly reduced, and I also propose to admit what had previously been totally prohibited. I really hope that hon. Friends of mine connected with the manufacturing as well as with the agricultural interest will suspend their judgment and opinion until I have an opportunity of stating fully, fairly, and explicitly my case. With reference to my intention as regards the importation of live cattle, and the reduced duty on salted and dried meats, I do not despair of being able to show to the House clear, convincing, and satisfactory reasons for that portion of my tariff. I think I can demonstrate to the House that the price of meat has for a number of years been progressively increasing in this country. I mean to show, that although my duties are low, I cannot dispense with the Income-tax. I ask hon. Members to pause. You will not act wisely if you give way to needless alarm. If you appeal to your own consciences on the subject, I feel perfectly satisfied that you will not abandon me in consequence of the Income-tax. I again ask you to suspend your judgments until I have an opportunity of bringing before you the whole of my case. I shall show you that, in other countries in Europe, the same scarcity of meat—the same inconvenience exists. I shall show you that in France the human population has increased far beyond the proportion of the growth of cattle; and that an extraordinary rise in the price of meat has consequently occurred there. I shall show, from documents which you cannot controvert, a gradual diminution in the consumption of meat per head throughout France. I shall show you the high price of cattle—that France is an importing country—and that, so far from that great and powerful empire, containing a population of 33,000,000—so far from that being a country that can inundate you with cattle, if there is a country from which cattle can be drawn, she will be your rival in the purchase of cattle. I will also show, that there is no ground of apprehension from Belgium or Holland, and that the grounds of apprehension are limited to a very narrow district in Europe. I will attempt also to show that the importation of foreign cattle, should it take place, would be a benefit to the agricultural, as well as to every other class in the country—that it will prove a great public advantage. Sir, I thought it right to state to the House the view which I take of the tariff, before I call on it to pass the vote for the Income-tax. I know the alarm that has been raised throughout the country—the efforts that have been made to disturb the public mind. No wonder that some alarm should have been excited when, amongst other devices, a printed proposition is circulated throughout the city of York, offering to supply meat from Hamburgh at 3*d.* per pound under the modified tariff, while, at the same moment, the price of meat in Hamburgh itself is 5*d.* a pound. I know, too, that the minds of the farmers have been agitated and disturbed, but I feel convinced that the apprehensions caused by the tariff are greatly overcharged. I cannot and do not wish to deny, that great reductions are proposed by it; but though I do not now mean to enter further into detail upon the subject, I must again declare my conviction that these reductions will be productive of great advantage to the agricultural, as well as the manufacturing and commercial classes. Well, Sir, I presume the noble Lord will not quarrel with the relaxations proposed upon the import duties on coffee. These relaxations are to the amount of 100,000*l.* yearly. That, however, will be allowed to be a fair proposition. [An hon. *Member*: "Oh, oh!"] I try, Sir, to maintain my temper amidst the various and conflicting attacks that are made—the embarrassing positions in which hon. Gentlemen would wish to place me. But when I am met by these free traders, who have been always clamouring for free-trade—who say, you ought to remove these prohibitions—who say, the manufacturing interest wants no protection—when, upon my proposing to make reductions, I am met by these persons with the argument, that I have selected certain unfortunate men as the victims of free-trade—this is a height of inconsistency which cannot well be surpassed. I am told by these free traders that my reductions are needless—that I might have retained the respective duties of 10*d.* and 5*d.* And this is said after all we have heard about the great increase in the consumption. After the proofs that have been offered that the beverage is superseding all others, is it fair, after these statements, to tell me now that I may as well have retained the 10*d.* and 5*d.* duties, and prevented a loss to the revenue of 100,000*l.*? Again, with reference to the duties on timber, Mr. Deacon Hume, a gentleman whose opinions hon. Gentlemen opposite profess to hold in so much reverence, said that timber was a raw material of surpassing importance to this country, and that our conduct with regard to it was like the folly of France in excluding iron. He said, you have coal, you have iron, and you want only wood to possess all the elements for being one of the most prosperous countries on the face of the earth; and after this declaration of opinion, joined to the sentiments professed by so many Gentlemen opposite, I am now to be told that the relaxation of the timber duties is a needless sacrifice. So it is with respect to other articles included in the tariff. Allusions of this kind of his hon. Friend had been made to them, not, I trust, merely in a factious spirit, but, perhaps, for the purpose of faining the advantage in debating the Income-tax. But I believe that the good sense and discrimination of the people of this country will approve of the steps we have taken for the reduction of the duties on articles of subsistence and raw materials used in manufactures. These are the principles upon which I propose the present measure to the House, and on which it is my intention to submit the other measures which I have announced, The right hon. Gentleman has said, that the measure is full of inequalities. But I would ask, what rigorous and comprehensive measure of taxation could be proposed without being liable to the same charges? You must either resort to direct or indirect taxation. It is but a comparison of evils. I have never denied that a good deal of inconvenience arising from the inquiries that must be instituted into the properties of men is unavoidable from the imposition of an Income-tax. You may modify or mitigate the inconvenience, but you are bound to give the honest as much security as you can, that they do not have to pay more on account of the misconduct of the dishonest. A certain degree of inquisitorial scrutiny is, therefore, inseparable from an Income-tax. But the right hon. Gentleman admits that if a tax be levied on realised property it should be levied on income also. He will not consent to separate income. Those, however, who are in favour of a tax on realised property cannot consistently vote for the noble Lord's motion, and as his resolution is pointed as much against a tax upon realised property as against income, when the right hon. Gentleman paints in such glowing and eloquent colours the position of the man labouring for subsistence by the exercise of his intellect, and on whom my proposition would call for a contribution proportioned to his income, I would ask the right hon. Gentleman whether his sympathy would not be equally called forth on behalf of such a man by the imposition of a house or window tax? If, Sir, I possessed the eloquent imagination of the right hon. Gentleman, I could point out in equally glowing terms the position of such a man reduced to the melancholy alternative of avoiding the window-tax by closing up his windows, or of paying the law out of his scanty income—I might paint that man's misery when he saw his children sitting round him, and no alternative but either to submit to the impost, or to injure the health of those he loved by closing the windows, shutting out the light of day, and the access of air. An eloquent man might draw these pictures of hardship with respect to any tax that could be imposed. But suppose I had submitted a plan of increased assessed taxes. It would be easy to prove to the noble Lord, that the consequence of that increase might lead to severe privation. But if I offer to tax the incomes of men, such as the right hon. Gentleman has described, and I call upon a man for a contribution which, if that income amount to 300*l.* will be rather more than 8*l.*, and if, in lieu of that, I can present him with a reduction in the cost of living, that I shall compensate him for the full amount of his contribution I levy upon him—if I can give him cheaper food, if I can give him cheaper furniture, if I can give him articles of comparative luxury at a cheaper rate—which is the best proposal for relief, that I should ask for him to contribute 8*l.*, and that I should restore 10*l.* by means of the diminished cost of living, or that I should enable the rich man to escape the impost by going abroad, and leave him who must necessarily remain at home subject to increased taxation? I do not deny the disadvantages of circumstances, but feeling the necessity, not only on account of our political necessities, which I will not exaggerate, but which I say are reparable, which I am certain the spirit and energy of this country will repair, but which in order to repair speedily, will require great exertion from you, I call upon you to make that exertion, and the first step you take towards recovery—the first demonstration of your willingness, will be half the victory. If you are afraid to submit to sacrifices—if you paint in glowing colours the miserable condition of those who are to pay taxes—if you say it is better to go on on the present system, increasing the debt a little more, funding at 91—Why are the 3 per cents. at 91? Who has made them 91? Public credit is high—the funds have risen—and say you, "You can have a loan easily now." Oh, you miserable financiers. [*Laughter and cheers.*] I beg pardon, if, in the heat of debate, I have used a word that may give offence. But the funds are high, because you have shown a disposition not to resort to a system of loans in a time of peace. The funds have risen; but throw out my Income-tax, and ask for a fresh loan to cover your deficiency in the revenue, and you will see the force of the argument, that because the funds are at 91, you may wait a little longer and have a loan. No, that will depress the funds—that will prove a visionary scheme—and have the effect of sinking the funds. Funds are high while you maintain public credit, and all our disasters may be repaired, while there is a conviction, that you are willing to meet your difficulties. The noble Lord taunted me and others who have expressed their intention to support me, because I said, in proposing these measures, not only that I proposed them with the cordial concurrence of my Colleagues, and with their united responsibility, but I said, what was superfluous, perhaps, that the decision of the House on the great outline and principle of those measures must necessarily decide the fate of the Administration. And would it not be perfectly legitimate for men who differ on various points, and entertain doubts on several questions, seeing that the fate of great interests are involved, if they have confidence in a Government, to demonstrate that confidence, by waiving their private opinions, and giving their support to that Government whose principles they generally approve, but from whose individual measures they may differ in some respects, thinking it better in this crisis of affairs to trust them than men who are at least unfortunate if not incompetent? That would be a justifiable, a wise, and a patriotic course of action. I said not too much when I said, that upon the fate of these measures the existence of the Government depended. I believe it will be more for the interest of the Monarchy—more for the strength and stability of the executive Government—more for the credit and character of public men, that being defeated on great measures like these, we should commit to others the responsibility of conducting public affairs, than that we should take another course, that of going on year after year, dragging out a miserable existence—going on adopting the measures of our opponents. [*Cheers from the Opposition.*] Why, what measures have you proposed? Is this Income-tax yours? Have we meddled with the savings-banks? Have we proposed 5 per cent. upon the customs, and 10 per cent. upon the assessed taxes? Have we taken your Corn-law, or your sugar duties, or your timber duties? What does the taunt mean, then? What one particular measure have you to boast of? "But you have adopted our principles," say you. When did you avow them? In the import duties? Surely, you take no credit for the import duties. The committee on the imported duties was moved for by a gentleman who, as he is not now a Member of the House, I may name, Mr. Hume, and when my noble Friend, the Member for Monmouth, asked what the object of the committee was, Mr. Hume explained, that it was to examine the effects of our Customs duties on imports, and the matter was passed over without a single word being said. Therefore, with respect to the principles of commercial policy, that the right hon. Gentlemen opposite should claim for themselves an exclusive monopoly in regard to free-trade, and taunt any Member who dares to trespass on their manor with interfering with private property, is an assumption not at all justified by the facts. The proposals of the right hon. Gentlemen were not brought forward in the meridian of their strength, but at least at a time when they had previously declared, that they had forfeited the confidence of this House. Now, as I agree in the opinions which were expressed with truth and power, that there may be various opinions on Governments—that some may prefer a Monarchical Government and some an aristocratic Government, but that, as it was truly said by Lord Melbourne, the worst Government that can exist is that which has not strength to carry the great measures it proposes, but must live by the sufferance and forbearance of their opponents—cordially concurring in that opinion—I speak not of measures on which the House of Commons has a right to exercise its judgment, but the measures of men in a minority, and measures to carry which the Government may think it essential to the public welfare—I feel myself justified in avowing, in reference to this particular question, that I do think it infinitely better for the public interest, that if this House is of opinion, that this measure is fraught with injustice, and that it ought not to be adopted—in that case, the House of Commons ought to repose its confidence in those who may have other measures to devise, which the House may think better suited to the exigencies of the times, and more consonant with the wishes of the country.

Lord *J. Russell* said, the right hon. Gentleman had alluded to an expression of his, which was said to be contumelious of a certain class of Members in that House. Now, as that was an expression of his—which expression he did not mean to explain or withdraw—did not allude generally to a class of Members in that House, but there were Members in that House who it was supposed in the country by farmers to have given their adherence to the existing law, and who the farmers supposed were in favour of the present prohibition, and protection against their rivals in all things that might be introduced from foreign countries—the farmers, he supposed, not being aware that those Gentlemen were impressed with the sound commercial principles which, it now appeared, were held on the other side of the House, and these persons having so presented themselves as the friends of the farmers, did represent him as the bitter enemy of the farmers, and as hostile to the farmers, he considered that these were expressions that he had a right to resent. He had a right to feel that it did not belong to them, when defending themselves, so to assail him, in different parts of the country, when, at the same time, they had committed themselves as strongly as they possibly could to the present Corn-laws.

Mr. *Brotherton* remarked, that the right hon. Gentleman had made a speech which would be quite as effective on another day as this. It would be much better for the right hon. Gentleman to have postponed it, and he would not have lost his temper, and not have invaded one of the rules of the House. Hon. Gentlemen opposite cheered his conduct, and yet they had charged the hon. Member for Finsbury with attempting to take a question by a side wind, when they sanctioned similar conduct in the right hon. Baronet, and encouraged him to carry on the debate at half-past one in the morning.

Sir *R. Peel* was quite sure he had not lost his temper. He was not aware, that he had invaded any rule of the House. He thought no man could have taken more care not to do so. He had appealed to the Speaker, and he thought he was encouraged by hon. Gentlemen opposite to proceed.

Mr. *Brotherton* intreated the right hon. Baronet not to depart from the rules of the House, as he was looked up to as a great authority.

Mr. *Wakley* wished to know the exact rule, and whether the right hon. Baronet had evaded it. He conceived he had not done so, and therefore encouraged him to proceed.

The *Speaker* stated, that the right hon. Gentleman was perfectly in order; there was a question before the House, and on that was proposed a motion of adjournment. It was clear that the original question was involved in the motion of adjournment. The right hon. Gentleman was, therefore, perfectly in order in the course he had taken.

Debate adjourned.

House adjourned.

HOUSE OF LORDS,

Monday, April 11, 1842.

MINUTES.] BILLS. *Private.*—1^a Benecke's Naturalisation.

2^a Severn Navigation.

Reported.—Windsor Bridge.

3^a and passed:—Bristol Boundary.

PETITIONS PRESENTED. From Sapcote, against any further Grant to Maynooth College.—From Truro, for Abolition of Church Rates.—From Bandon, that Cork may be the Packet Station between England and the South of Ireland.—From Kilbrogan, and Bandon, for the Encouragement of Schools in connexion with the Church Education Society (Ireland).—From Millers of Clonakilty, against the Importation of Foreign Flour into Ireland.—From Shouldham, Thorpe, Foulden, Gooderstone, Oxborough, Barton, Bendish, Swanton, Morley, Hoe, Worthing, Elsing, Western Norfolk, West Raynham, and a great many other places, against the proposed Scale of Corn Duties.—From the Grand Jury of Galway, for Alteration of the Grand Jury Law, and for Protection to the Agriculturists.—From Solicitors in Dundee. that Solicitors, Attorneys, Proctors, and Writers, may be Exempt from the Income-tax.—From Prisoners in the Queen's Bench Prison, for Alteration of the Law of Debtor and Creditor, and that the benefit of Term Day Rules may be allowed, and to be heard by Counsel in support of the Petition.

TAX ON ATTORNIES.] Lord *Brougham* presented a petition from attornies of Dundee, complaining that they were subjected to heavy taxes from which other classes of the community were exempted. They had to pay in the first instance very heavy stamp duties on their articles of indenture, and they were also obliged to pay an annual sum on taking out their licence. These, they said, operated like an Income-tax on them, and they therefore prayed that their Lordships would not sanction any bill on the subject of taxation which did not make some provision for having their case duly considered. The noble and learned Lord said, that he concurred in that part of the prayer of the petitioners which sought relief from unequal taxation. The view which led to laying a tax on one portion of the community from which all others were exempt was manifestly unsound; but, nevertheless, it seemed to have found favour in the eyes of the Legislature when it was first proposed. It was somewhere about forty years ago when Mr. Pitt, adverting to his intention of taxing the class of professional men to which the petitioners belonged, said, he had a proposition to make which he was sure would meet with the approbation of men of all parties. It was a plan to lay a tax on attornies. The announcement was received with loud cheers, and eventually the measure was passed into a law. He (Lord Brougham), however, did not think it was a just one, and he hoped the case of the petitioners would be considered.

Petition laid on the Table.

Court of Appeal.] Lord *Campbell*: My Lords, I rise to move the second reading of the bills which I have had the honour to lay upon your Table to improve the administration of justice in this country—with the hope that further consideration may have removed the objections stated to them when they were first brought forward. My object is to establish this House as the sole court of appeal in the last resort for the whole empire,—with power to sit for judicial business during the whole judicial year,—and that there shall be a permanent judge to preside in the Court of Chancery. I think no one will deny, that the object is desirable; and the only question is, whether it be attainable. I allow, that if the present system practically works well, we are not, with a view to theoretical perfection, to resort to "the lottery of legislation." I seek to remedy practical grievances, and to guard against evils which are palpably gathering around you. The same individual cannot much longer be permitted to preside in this House and in the Court of Chancery. Will my noble and learned Friend on the Woolsack deny, that the most serious obstruction to the due administration of justice arises from this combination of incompatible duties in his person? Are not the suitors in the Court of Chancery thereby aggrieved? For three days in the week while Parliament is sitting is he withdrawn entirely from that court—whereby the business is most seriously interrupted, and he is deprived of the assistance of a separate bar. Thus, for many years, an original cause has seldom been heard before the Lord Chancellor, and in the hearing of appeals large arrears have sometimes accumulated. But from the change that has lately been introduced by the appointment of two additional Vice-Chancellors, unless the Chief Judge in the Court of Chancery is permitted to devote the whole of his time to it, the appeals now coming before him cannot possibly be disposed of. I understand that there are already three times as many appeals standing to be heard as there were this time twelvemonth, and that in the course of a few months the number will be greatly increased. There are now twice as many courts to be appealed from to the Chief Judge in Chancery, and must you not increase his time for hearing appeals which before was barely sufficient? These evils will be perpetually felt under the present system. But how are they aggravated upon a change of Government? The great officer who presides here must be changed; but where is the necessity for a change in the Chief Judge in Chancery more than in the King's Bench, Common Pleas, or Exchequer—except that by an antiquated usage originating from accident, the Chief Judge of the Court of Chancery occupies the Woolsack, having earned the confidence of the public. From his learning, ability, zeal, and experience,—when still in the vigour of his intellect—he is laid aside, to make room for one who may be in all respects his inferior in the qualities of a judge. Of course, my Lords, I mean no reflection on my noble and learned Friend now on the Woolsack. With reference to the recent change I am willing to believe, that although the sun set, no darkness followed. But, supposing the succeeding judge to be quite equal to his predecessor, see what mischiefs are necessarily produced. There may be many cases which have been heard, and which stand for judgment, when there is a sudden transfer of the Great Seal. The hearing begins again before the new Chancellor, and he, too, may be deprived of his office before judgment is pronounced. In Lady Hewley's case we have an instance of this occurring three times over. Upon a change there is likewise a strong temptation to resort to petitions for rehearings—in the hope of creating a difference of opinion in the new Chancellor. But a certain and constant evil arising from the Chief Judge in Chancery presiding here is, that thereby the suitor is deprived of any efficient appeal. It is very well to talk of the candour and impartiality with which the Chancellor, sitting in the House of Lords, is ready to review his decrees in the Court of Chancery, but the public consider that the right of appeal is a mockery;—which is shewn by their hardly ever resorting to it. By returns upon the Table, it appears, that during a given time, I think four years, there were only six appeals from the Court of Chancery, while there were fourteen from the Equity side of the Exchequer; and if the appeals were in proportion to the number of causes decided, there being 14 from the Equity side of the Exchequer, there ought to have been 120 from the Court of Chancery. This difference is to be explained not by a disproportionate confidence in the soundness of the decision, but in a conviction that an appeal "*ab quodam ad quendam*" is different from an appeal "*ab eodem ad eundem.*" What is the remedy for all these evils? A bill for appointing a permanent judge to preside in the Court of Chancery,—leaving the Lord Chancellor to his duties in this House where there is ample occupation for him. Formerly the appellate business of this House could easily be got through in two or three hours a day on distant days. It is now necessary to sit during the session four days a week and six hours a day. By and by I trust you will sit in your judicial capacity daily during the Session, and at other times when Parliament is prorogued, this House again becoming, as it was in ancient times, the only tribunal of appeal in the last resort from all courts established within the dominions of the crown. This improvement is more particularly required with a view to the administration of justice in Ireland. There by statutes 28 Geo. 3rd, c. 6, 22 and 23 Geo. 3rd, c. 14, and 40 Geo. 3rd, c. 38, the appeal from the Admiralty Court and from all the ecclesiastical courts is to a court of delegates appointed for each particular cause and which consists of three common-law Judges and two Masters in Chancery, there not being there any separate order of civilians. The decision of these delegates is binding and conclusive. Mark the inconvenience. One set of delegates may differ from another, and, supposing them all to take the same view of the law of Ireland but one different from your Lordships, what is to be done? Is this a visionary danger? May it not overtake you during the present Session of Parliament if a timely remedy is not provided? A marriage in Ireland by a Presbyterian pastor between a member of the Church of England and a Dissenter has been held to be void by the Ecclesiastical Court of Armagh and by a majority of the common-law Judges. The opinion of the common-law Judges is to be immediately reviewed by your Lordships on a special verdict to be removed here by writ of error. From the Ecclesiastical Court no appeal or writ of error lies to this House. Suppose your Lordships should hold the marriage to be valid, the wife may still be treated in the Ecclesiastical Court as a concubine and the children as bastards. There is no mode in which they could compel administration of the effects of a deceased husband or father dying intestate, or avail themselves of the opinion of this House upon their *status.* The Ecclesiastical Courts and the delegates in Ireland may say, that the marriage is good for certain purposes as your Lordships decide, but that they alone are to determine whether it is void or valid, according to the canons of the church of which they are the supreme and final Judges. A great difficulty has arisen since the Catholic Relief Bill in even prosecuting an appeal in Ireland to the delegates. No Roman Catholic may sit as a delegate, and yet a Roman Catholic may be a common-law Judge. It has recently happened that in a commission of delegates was included a Judge of the Common Pleas, of distinguished learning and ability, but of the Roman Catholic religion, and on account of his disqualification the appeal could not be heard. The only remedy is to give the appeal to this House. It could not conveniently lie to the Irish Privy Counsel, and the pride of Ireland would naturally and properly be offended at a proposal to give the appeal to the Privy Council in England, although, by a strange oversight of the patriots in 1782, there is still an appeal from the Irish Chancellor in lunacy to the English Privy Council. But if all the courts of final appeal in the empire could be reduced to two, this House and the judicial committee of the Privy Council, the system would be imperfect, and a consolidation of the two would be required. I will not repeat what I before urged of the imperfections of the latter tribunal in its having no fixed head —no judges who are bound to attend—and no certain times of sitting. Suppose, that these could be cured, how are you ever to get rid of the danger of contrariety of decision? What is the great object of a court of appeal in the last resort? To obtain uniformity of decision, and that the law may be authoritatively promulgated,—to escape that miserable servitude where law is vague or unknown. To have two final courts of appeal of equal authority not assigned to different branches of the law, but before both of which the very same questions of law may be brought is an absurdity. Nay the very same question, the same state of facts may be brought before both courts, and decided differently. The validity of a marriage may be tried in the ecclesiastical courts in a suit of jactitation of marriage, which would ultimately be decided by the judicial committee, and the validity of the same marriage might be tried in an ejectment in a court of common law, and brought upon a special verdict, to be decided by this House. Each would only consider the decision of the other to be treated with respect, and to be adopted if approved of, but to be overruled if thought erroneous. A man may thus be sentenced for bigamy, in respect of marrying a woman whom he may be ordered by the spiritual count to cherish as his wife, at bed and board, under pain of excommunication. But the inconvenience is practically experienced at this moment. Two or three years ago there was a case decided by the judicial committee, *Young* v. *Bank of Bengal,* an appeal from the Supreme Court at Calcutta, upon the important subject of mutual credit. My noble and learned Friend sitting near me (Lord Brougham), and his brother members of the committee felt themselves called upon to disregard a train of well considered determinations of the courts of Westminster Hall, and to reverse the Indian judgment founded on these determinations. I do not presume to say this decision was wrong, although it was against my strenuous argument as counsel, and I should have been glad to bring it before this House. Final between the parties, it is by no means considered as finally settling the law. The very same question has recently arisen before Vice-Chancellor Knight Bruce, and he has sent it for the opinion of the Court of Common Pleas. It may very likely come before your Lordships, and you may be pleased to adhere to the old cases upset by the Judicial Committee, who would no doubt support their own decision. A court of dernier resort must at all events be consistent with itself. How are mercantile transactions in the mean time to be regulated. "Under which king, Bezonian?" Surely there cannot be a greater evil than the clashing of jurisdictions in the same state. The public tranquillity of this metropolis was lately endangered by the collision between the House of Commons and the Court of King's Bench on the subject of privilege, and I look with dismay to the present distracted state of my native country, arising from the conflict between the civil and ecclesiastical courts. In both these, the constitution would probably be found to have provided a remedy, and the supremacy of one of the struggling tribunals established by process of law. But it is allowed, that the House of Lords and the Judicial Committee, are perfectly co-equal as courts of appeal, and neither could conscientiously adopt the law laid down by the other, unless it accords with the private opinion of those who decide. There would be some practical safety if the Members who concur in the judgments of the two tribunals were the same; but this is by no means the case; there is no necessity for any Peer being present in the Judicial Committee; and it almost invariably happens, that a majority of the Court are Commoners; the Judge of the Admiralty, and the Judge of the Prerogative Court, not even being now summoned to this House as assistants, although I mean that they should be summoned in future along with the Vice-Chancellors. I trust it is unnecessary to dwell on the minor inconveniences which duplicity of courts of dernier resort occasions, such as the embarrassment necessarily occasioned by their both sitting at the same time, the impossibility of having a good bar for either, and the additional expense which is thrown upon the suitor. *Prima facie,* the unity I propose is preferable. What then is the objection? I have heard none seriously brought forward except novelty, and when this is examined, it will be found wholly unfounded in fact. I shall show, that this measure is only a restoration to your Lordships of that jurisdiction which was exercised by your ancestors. When I had last the honour to address your Lordships on this subject, I ventured to intimate an opinion, that anciently all appeals were to the Sovereign in Parliament, and that the separation of the Privy Council from this House, as an independent Court of Appeal, was a deviation from the original juridical constitution of this country, as settled by its great founder, King Edward 1st. This opinion, my Lords, has since been rendered quite clear and certain by the researches of Mr. John M'Queen, a gentleman of great legal and antiquarian knowledge now employed in preparing for the press a publication respecting the history and proceedings of this House which I am persuaded will be found of great use to the public. He has found, that originally Privy Councillors were summoned to this House at the commencement of every Parliament as well as the judges. They formed the ordinary council, which was a part of the Common, or Great Council where the king presided. All writs of error being to Parliament, they were sometimes referred by the House of Lords to the Privy Councillors, who reported their opinion—upon which judgment was given by the House of Lords. For this there is vouched, as an illustration, a remarkable record in the Prior of Montague's case, which occurred in the time of Richard 2nd, and shows a judgment given by the House of Lords according to the then established course after such a reference. Parliament, in those times, met at least once a year, and often three times — at the great festivals of Christmas, Easter, and Pentecost. Triers of petitions were appointed, not only for England, but for Guernsey, and Jersey, and I believe this form is still observed. [Lord *Redesdale:* Triers are still appointed for Normanby, Gascony, and Acquitaine.] A noble Lord, well versed in all your proceedings, informs you, that you still exercise a shadowy jurisdiction over the continental states, formerly attached to the English monarchy. But in ancient times, this was a real jurisdiction. During the short period that Scotland, from the treachery of Edward 1st, was in a state of feudal subjection to England, there were not only triers appointed for Scotland, but Balliol and Bruce were cited to appear as parties to appeals from Scotland at the bar of this House. The Privy Council was thus incorporated with the Lords during the Plantagenet dynasty. But on the accession of the House of Tudor, when the attempt was made to rule by prerogative and Parliament was only rarely assembled, and that for the purpose of voting supplies to the Crown, the Privy Council assumed a judicial power independent of this House. Then sprung up the Star Chamber, a Committee of the Privy Council. But it is not till the end of the 17th century that there were appeals from Guernsey, and Jersey, to the King in Council, instead of to the King in Parliament. After a diligent search in the records of these islands, and of the Privy Council, the first instance of an appeal from the Channel Islands, heard by the Privy Council under the direct reference of the Sovereign, was in the year 1572. But a record has been found, showing that in the reign of Edward 2nd, the course was, that there was first an appeal from the courts of the island, to commissioners appointed by the Crown, and from these commissioners there lay a writ of error in Parliament, sued out in Chancery as from the courts of Westminster-Hall. The opinion propounded by General Pownal, and pretty generally followed, turns out to be quite erroneous, that the appeal always was from Guernsey and Jersey to the King in Council, as it was supposed to have been in Normandy to the Duke. The mode of appealing from Ireland having been fixed in very early times to be to this House, it so continued till the year 1782. Therefore, according to analogy, the appeal from the American colonies ought to have been to this House—that is to say, to the King in Parliament, and not to the King in Council. The Channel Islands will rejoice in again coming under your jurisdiction, and it will give satisfaction beyond the Atlantic and Pacific, if you should appoint triers of petitions for America and Australia. Some persons wholly ignorant of the constitutional history of the country, have suggested that it would be unconstitutional to bring the colonial appeals from the Privy Council before his Majesty in Parliament, but this change would not only practically be a great advantage to the colonies in providing them with a better tribunal, but in truth is entirely in accordance with ancient precedent. I allow, that the independent jurisdiction of the Privy Council over colonial appeals, although originally founded on usurpation is not to be questioned, and I only take this glance at the olden time to answer those who would oppose modern improvement on the ground that we should respect the wisdom of our ancestors. It happens upon this as it has done on other occasions, that the practices complained of and defended are a departure from our early institutions, and that those who are denounced as destructives are not only reformers, but restorers of our early institutions. Why then should you not agree to this great improvement? There will be no lowering of your dignity in deciding the appeals from the Admiralty, Ecclesiastical, and Colonial courts. The questions thus coming before you will be the most important which can come before any human tribunal—questions on the law of nations—questions respecting the rights of peace and war—questions on the canon and statute law respecting marriage and legitimacy—and such questions on the colonial law as that now depending on an appeal from Newfoundland, whether a House of Assembly established by the Crown to make laws for the colony in conjuncture with a Legislative Council and the governor has the privilege belonging to the House of Commons in the mother country of imprisoning any one of the Queen's subjects for whatever it may vote a contempt. It has been said this is not the time to make further changes in the Court of Chancery, but I think I have shown that the changes you have already made render others inevitable, and that you cannot stop in your present position without manifest injustice to the suitors and to the public. It is said, time would be wanting for the House of Lords to get through the new business to be brought before you. The remedy is in my bill, permitting the House under the sanction of the Crown to sit for the despatch of judicial business after a prorogation. Your two capacities, political and judicial, are entirely distinct. In your political capacity you can only act concurrently with the House of Commons in full Parliament. In your judicial capacity you are entirely disconnected from the House of Commons, and you are only the highest court of justice in the kingdom. This court might have been constituted of members entirely different from the House of Lords—as the Supreme Court in America is composed of members different from the Senate and the House of Representatives. It was formerly thought that the courts at Westminster could only sit in Term time. They now sit in vacation as often and as long as the exigencies of business require. Why should you not follow their example? If it be less alarming to any noble Lords, you may according to ancient usage appoint a committee to sit for the hearing of appeals during the recess, and adopt their report when Parliament is re-assembled. As to the appointment of a permanent judge in the Court of Chancery, the urgency is so great and the advantages so obvious, that the measure has been recommended by every one whose opinion deserves to be regarded upon such a subject, and it has been only delayed from the difficulty of providing at the same time a high judicial officer, who with constant judicial employment may preside on the Woolsack in this House, and being a member of the Cabinet may advise the existing Government on all legal and constitutional questions. I trust, therefore, that all the three bills will receive the sanction of your Lordships, unless my noble and learned Friend shall show you that the existing system is practically perfect, or that my measure would be no remedy for the defects to which it is subject. With these observations I now move your Lordships to give a second reading to the Bill for transferring the Admiralty, Ecclesiastical and Colonial appeals from the Judicial Committee of the Privy Council to this House.

The *Lord Chancellor* said, that this question had been so much discussed upon a former occasion, when his noble Friend moved for leave to introduce this bill, that he did not think it would be necessary for him to engross much of their Lordships' time in canvassing the points to which his noble and learned Friend had referred. Indeed, he hardly knew that he ought to be heard at all; at all events, he did not think he should obtrude himself on an occasion of this kind, because one of the objects of the bill was to shut the doors of the Court of Chancery against the Chancellor for the time being. Not only was he no longer to preside as Chancellor, but, according to the provisions of his noble Friend's bill, he would not even be eligible to that high judicial office which it was the object of his noble Friend to create. Her Majesty had no power, according to the provisions of his noble and learned Friend's bill, to place in that situation the person holding the great seal for the time being. But not only so, a learned and noble Friend of his (Lord Cottenham), who sat near him, whose experience in courts of equity, whose judicial talents and attainments, were the subject—the just subject—of his noble and learned Friend's eulogium, would, as this bill was constructed, be also excluded from holding that office. Still further, another noble and learned Friend of his (Lord Brougham), who formerly held the great seal, and who, by unabated diligence, energy, and zeal, contrived, with the aid of the Master of the Rolls and Vice-Chancellor for the time being, to get rid of that mass of arrears under which the Court of Chancery so long groaned—even that noble and learned Lord, according to the provisions of this bill, was not competent to fill the high official situation created by this bill. To show the impartiality of his noble and learned Friend, he had also excluded himself, and if he had any desire hereafter to preside in courts of equity, he had no other course to pursue but to retrace his steps across the channel, and resume his situation in that court in which he had before administered equity in that part of the United Kingdom. Although his noble and learned Friend had divided his measure into three bills, they still constituted but one individual measure. The first object was, according to the bill now proposed to be read a second time, to abolish the Judicial Committee of the Privy Council. In order to this, it was necessary that provision should be made for hearing the business which was now disposed of by that body; his noble and learned Friend transferred that business to their Lordships' House, and endeavoured to make provision for the purpose of enabling them to dispose of it. But then another step was necessary to enable him to complete his plan; if by this measure the Lord Chancellor would be confined continually to the House of Lords, it was necessary to make some provisions for remodelling the Court of Chancery. So that when the measure was considered, although divided into three bills, it was clearly, distinctly, and properly, as the noble Lord himself had stated, substantially one. Now, with respect to the first bill, the ground-work of the whole, his noble and learned Friend proposed by this bill to abolish the Judicial Committee of the Privy Council. It was now about nine years since their Lordships had passed a bill for the purpose of extending the jurisdiction of that tribunal, enlarging its powers, and adding to its judicial strength. That bill was much considered at the time; it passed their Lordships' House without the slightest opposition; it met with no opposition in the other House of Parliament; it gave universal satisfaction. Why then, after having taken so much pains to build up a tribunal of this description, to extend its jurisdiction, and complete its force—why were they now called on to retrace their steps, and, after nine years' trial, to abolish that very tribunal which they had so contrived? Was it by reason of any defects in the constitution of that tribunal? Was it because that tribunal had not faithfully and satisfactorily performed its functions? No such reason could be assigned—no such reason was attempted to be assigned. Let their Lordships mark the history of that tribunal, and see what it had effected. That was the mode by which to try the practical advantage of his noble and learned Friend's measure. It was unnecessary to go into remote antiquity, and see what had been the original constitution of that House. The question was, what had been the practical working and effect of the present system, and by that their Lordships would decide. A very short time after the bill passed, a return was made to Parliament as to the state of business before the Privy Council. There were at that time depending 167 appeals, independently of those from the native courts in the East Indies. Unless they saw the papers accompanying an appeal, their Lordships could not be aware of the nature and character of such proceedings, or of the labour which was necessary to do justice in each case. It would be a satisfaction to their Lordships, however, to know that the whole of the arrear which then existed, and had existed for a long time, had been entirely swept away; there was actually at the present moment no arrear, and, as a judicial body, that tribunal kept down all arrear, and disposed of cases as soon as they were ready to be heard. But then it might be said that it was a very easy thing to get rid of arrears by hasty and rash decisions. Had any thing of that kind been suggested on the present occasion? Quite the reverse. A simple reference to the names of the Judges at present constituting that court would alone be a sufficient reply to such a suggestion. He would take on himself to say, that there was no court in this empire which applied itself more carefully, with more patience and more diligence, to the hearing and deciding of cases, than the tribunal which his noble and learned Friend was about to condemn. He might mention one circumstance which alone would be decisive of the character of this tribunal, and the care and pains it took in its judicial decisions. In every case of importance the judgment was written—it was not a hasty judgment, time was taken to consider, and the judgment, when delivered, was written, insuring accuracy, diligence, attention, circumspection. Then he might also appeal to those very reports to which his noble and learned Friend had referred in confirmation of the diligence, the legal ability, the sound judgment manifested in the decisions of that tribunal. This was the tribunal which his noble and learned Friend, by his bill, was in the first instance desirous of inducing their Lordships to abolish by appealing to some ancient times and circumstances, when it was supposed, perhaps not incorrectly, that this tribunal formed part of their Lordships' House. He did not think their Lordships would be disposed to adopt such a suggestion; and they must always remember that the abolition of this tribunal was the very basis of his noble and learned Friend's whole system. Such was the very bill now before them—the foundation of the entire change he proposed to introduce. He was not at all blind to the imperfections of that tribunal. What tribunal was there in the world that was not liable to some observation with respect to incidental disadvantages? It had been said over and over again in that House, when discussing the merits of that tribunal, that it wanted a member of the legal profession as its president. His noble and learned Friend (Lord Cottenham) had declared himself of the same opinion. If he could induce his noble and learned Friend who was the father of the measure (Lord Brougham) to place himself for the public good in the situation of president in that tribunal, he thought there would be nothing more to desire. But his noble and learned Friend had said the judges attended voluntarily; and nothing was so bad as a tribunal consisting of judges whose attendance was voluntary. He thought that was an exaggeration—the statement was incorrect. His noble and learned Friend himself had a seat at the Judicial Committee of the Privy Council. By the act of Parliament creating the tribunal, power was reserved to the Crown to create two judges. His noble and learned Friend was created by her present Majesty under that power, first a Member of the Privy Council, and afterwards a Judge of that tribunal. Could it be said that the attendance of his noble and learned Friend, under such circumstances, was voluntary? Having entered into an engagement, having pledged his faith to attend, it was his bounden duty to attend; his attendance at that court, of which he was one of the most efficient Members, was not voluntary. Again, there were several persons in the situation of judges, both of ecclesiastical courts and at common law, who were made Privy Councillors with the same view, and on the faith of their attendance on the court; who could say their attendance was voluntary? Having accepted the office of Privy Councillor under such circumstances, they were bound by the same engagement as his noble and learned Friend, and they were bound in point of duty to attend. The judicial attendance, therefore, was not voluntary. But his noble and learned Friend had designated the court a fluctuating tribunal. He thought that it was a tribunal admirably adapted to the business which came before it, and for this reason—there were various kinds of law agitated, discussed, and settled before it—there were questions of civil and ecclesiastical law; well, there were judges who had been brought up in discussing and administering civil and ecclesiastical law, and when questions of that nature arose their attendance was always required. Again, when questions of equity arose, there were judges from the equity courts members of that tribunal, and when such questions were discussed their attendance was requested, and they formed part of the court. There were questions of common law discussed, and there were Members of the court who were also judges of common law, and they attended on these occasions to give sentences and decide. There were questions of Hindoo and Mahomedan laws discussed, in cases the results of which were often of the utmost importance to the parties concerned; and in cases of this nature the court had the assistance of parties familiar with these laws, and who had acted as judges in India. He asked the House, if — considering what the nature of the questions which came before the tribunal in question often was—he asked it whether he had not fully established the fact, that the tribunal was admirably adapted to the performance of the duties it had to go through. And yet this was the tribunal which his noble and learned Friend wished to abolish after the experience of the working of nine years had proved its advantages. It had been urged against it that there were no fixed terms—no certain sittings. He admitted that this was an inconvenience, but it was a very slight one, and in spite of it, the whole of the arrears he had already alluded to had been swept away, and the business was now disposed of as fast as it presented itself. His noble and learned Friend had stated, that the attendance of counsel was deficient. Now he had attended as a judge in the Judicial Committee, and had always heard the causes argued by men of the first eminence. And on looking through the reports of cases tried, he had found that such was almost uniformly the case—that the most eminent men at the bar had been employed to argue them. It was very well known by all who knew Westminster-hall, that counsel seemed to possess almost a power of ubiquity; that they seemed to appear in two places at the same time, and to give satisfaction to all their clients. But supposing that there were evils in the existing system, what was the remedy proposed by his noble and learned Friend? Like an unskilful surgeon, he amputates what another might have cured. But then it was said by his noble and learned Friend, that in proposing his plan, he was not to be called a Radical Reformer, he merely restored that which had existed in the reign of Richard the 2nd; and to prove, that he was correct he referred to the unpublished book of Mr. M'Queen, in order that he might show that Privy Councillors had formerly assisted their Lordships. He did not doubt but that in less literary times than the present the practice was such as his noble Friend had stated, but then the question was, not what was the practice of the reign of Richard the 2nd, but what was the best course for them now to pursue. Looking, then, at the manner in which the Judicial Committee of the Privy Council was constituted, and the manner in which it performed its duties, he must say, that he would hesitate long before he should abolish it, for the purpose of making an experiment with an untried system. What course, then, did his noble and learned Friend propose to pursue? His first step was to alter the constitution of their Lordships' House. His noble Friend would have them to sit notwithstanding the prorogation. Their Lordships were not to be compelled to sit then; but they might do so, if they chose, under the proclamation of her Majesty. As often as that proclamation was issued they were to be called upon to meet together to transact judicial business. This would be another innovation, and, in his opinion, a monstrous innovation, and that, too, for the purpose of making an unwise change. And then, practically, how would it work? Who would attend the proceedings? The Lord Chancellor must attend; but nobody else was bound to attend. The law Lords might possibly attend; but then that would be a voluntary attendance on their part. These would be volunteers; and yet his noble and learned Friend objected to the attendance of judges on the judicial committee as volunteers. Why, if they had a meeting thus called in the month of September, he was greatly afraid, that one noble Friend (Lord Cottenham), who sat near him would be shooting grouse, while the other noble and learned Friend (Lord Brougham) below him would be regaling himself on his estate in the south of France. He was greatly afraid, that the noble Earl (the Earl of Shaftesbury), their Chairman of committees, would find it an exceedingly difficult task to make a House out of Session. But, then, supposing some of their Lordships did meet, it might possibly occur, that there would be discussions and debates. But his noble and learned Friend said, he expected to be able so to tie up their tongues, as that they should not be able to speak except upon judicial matters. How were they to accomplish that? How force men to be silent? If prevented one way, another mode would be discovered. They had seen a little of the restlessness of his noble and learned Friend since he had come into that House. On some of these occasions, he might get up to taunt his political opponents; but then he would be met by his own clause, and would be required to remain silent. The result, however, he was afraid, would be to prove, and not in the case of his noble and learned Friend alone, that nature or habit would prevail, thus verifying the line—

> "Naturam expellas furcâ, tamen usque recurret."

Then his noble and learned Friend said, that the Lord Chancellor sitting here could have the assistance of the learned judges. Were they to call upon these judges to remain in town during the entire year?—to give them no time for indulgence or recreation, or to prepare themselves for the coming campaign in their respective courts? But then his noble and learned Friend might say, that they could be here in the months of November and December. Why, in the months of November and December they would be engaged in their judicial duties, and it would be as difficult for them to attend then, as it was now, during the sitting of Parliament. On the whole he considered the plan proposed to be impracticable; as impracticable as he conceived it to be mischievous. Suppose, however, it were practicable, and suppose the noble and learned Lord, and his noble and learned Friend (Lord Brougham), and he knew, that both were most anxious to discharge their duty,—suppose that they attended during the prorogation, of what would the House consist? The Lord Chancellor and the two noble and learned Lords, and perhaps, also, his other noble and learned Friend. [Lord *Cottenham*: "No, no!"] Then his noble and learned Friend would not attend. He (the Lord Chancellor) was not surprised, for he suspected that his noble and learned Friend who was practically wise, not merely theoretically wise, would dissent from this proposition of sitting during the recess. But assuming that, of what did the Privy Council consist? Of the same persons, and also of the judges who had not seats in this House. Here the Judges sat only as advisers of their Lordships; they could give no vote or decision upon any question before the House; but in the Privy Council they sat as judges of the court. But his noble and learned Friend said, there were two appellate tribunals, and what inconveniences resulted from two appellate jurisdictions! They had nothing to do with each other. Their Lordships in their appellate capacity sat to decide cases in equity and in law from England, Ireland, and Scotland; their jurisdiction was ascertained, limited, and defined. The Privy Council had jurisdiction to decide appeals in law and equity from the colonies and from the ecclesiastical courts; that jurisdiction was likewise limited and defined. These jurisdictions could not cross each other. But his noble and learned Friend said, there might be a conflict of decisions; but not unless the two appellate tribunals crossed each other. And suppose the same question should come before the Privy Council, and on appeal from a court of equity or of common law before this House, was it likely that the decisions would be at variance? Were not all the courts accustomed to look up to the decisions of this House as guides? There was no probability of any collision; at the same time he did not mean to say, that, under the circumstances, there was no chance of such conflict. All that the noble and learned Lord said was, that it was possible such a conflict might arise; and he stated a case in which it was possible. But was the possibility of such a result a reason why such an alteration should be made? Was it not better to wait till it happened? But then his noble Friend took it that confidence could not be placed in the Lord Chancellor sitting and giving a judgment in his court, and then sitting as a judge in appeal. It was a common thing in a court of equity, that there was the rehearing of a case by a party who had decided it. It never yet had been suggested by any party that, on a rehearing, the judge did not act with the same impartiality as if the case were entirely new to him. There, then, the case was an appeal from the same judge to the same judge. But in that House it was not the same judge who sat alone to hear and try an appeal. His noble and learned Friends gave the Lord Chancellor the benefit of their assistance; and he must say, that he thought it an advantage, that the judge who decided the cause should be present on the hearing of the appeal. There were other judges on such an occasion always present, perfectly ready to take care that he should not depart from the line of his duty. It was his opinion, that no man was fit to be judge who could not be prepared to decide a case with the same impartiality on an appeal as the person to whom it was altogether new. The only apprehension to be entertained was, that from an over-caution, he might be led astray to the other side. But suppose, now, that the plan of his noble and learned Friend were carried into effect, they would have as Chancellor one who never was in a court of equity, who never had the opportunity of making himself master of all its difficulties, but who must be "crammed" for the occasion when his assistance as judge should be required. Thus, then, it was proposed, that there should be an appeal from a judge who had devoted his whole life to equity, to one who might be ignorant of its forms. The appeal was to be from the man eminent for his knowledge, character, and talents, to one of whom the public might know little, and in whom the profession would have no confidence. A fitter plan for putting an end to appeals in equity, there could not be than the measure of his noble and learned

Friend, if carried into effect. Another point to be considered was, the time at which this plan was proposed. Only three or four months had elapsed since their Lordships had passed a bill making a new regulation for the Court of Chancery. No one could as yet tell how the bill was likely to work, and now, if this were carried into effect, it would rescind the main provisions of that bill. Such were the observations that he had to make upon the measure of his noble Friend. He had heard of many suggestions for improving the appellate jurisdiction of that House; but, that of his noble and learned Friend, he considered more extravagant and more objectionable than any that had preceded it. On these grounds, he moved, that the bill be read a second time that day six months.

Lord *Brougham* remarked, that his noble and learned Friend was wrong in supposing that the reason why there were not more appeals from the Lord Chancellor to the House of Lords was, that it was an appeal from the same person to the same person. If that were the case, upon a change of Ministry, there would be abundant appeals from the decision of one Chancellor to his successor; for instance, it might have been expected there would have been appeals from him, when he retired as Lord Chancellor, to his noble Friend (the Lord Chancellor), when he succeeded him in that office. There were, when he was Chancellor, more appeals to the House of Lords in his two first years of office, than in the two last, not above five or six in the whole four years, he believed; and since his noble Friend (Lord Cottenham) had quitted office, he believed there had been no appeals from his decisions to their Lordships besides those previously entered. As to the conflict of decisions, he thought his noble and learned Friend (Lord Campbell) had much exaggerated the mischief. It was true, that the decisions of the Privy Council were not binding upon this House, and that the decisions of this House were not binding upon the Privy Council. But the two tribunals received the decisions of each other with respect, and they had not hitherto varied a tittle. The danger of conflict was obviated by the good sense of the judges. But suppose the worst came to the worst, and the case of "Young *v.* the Bank of Bengal" had gone before the Vice-Chancellor, and had been appealed to this House after the question had been decided by the Judicial Committee, what would be the consequence? Why a declaratory act would be passed by the Legislature, as it would clearly appear that so much doubt and difficulty embarrassed the question that it was necessary to declare what the law was. He begged, however, to be understood as stating, that he entertained no doubt whatever of the soundness of that decision. He had never maintained, any more than his noble and learned Friend on the Woolsack, that the Judicial Committee of the Privy Council was a tribunal incapable of further improvement; and he thought that a difficulty had been experienced from time to time from the want of a permanent head, though he was far from supposing, that the want would be well supplied by the arrangement to which the kindness of his noble Friend (the Lord Chancellor) had referred as being pressed upon him, that of his (Lord Brougham) undertaking the office. It had been supposed that he had suggested, some years ago, that the whole of the appeal business should be transferred from this House to the Privy Council; but he had proposed no such thing; he had only proposed to their Lordships to avail themselves of the judicial committee as ancillary to appeals in this House, in order to enable the House, whilst retaining its whole appellate jurisdiction, to avail itself of the Judicial Committee in any cases which it chose to refer, by receiving a report from the committee, keeping in its own hands a complete control over the decision, though obtaining the full aid of the judicial committee, and this was really no deviation from the most ancient course of proceeding in this House. By his plan, he retained the assistance of the judges, whilst his noble Friend dispensed with their services altogether, unless they happened to be Peers of Parliament. Had his noble Friend's plan been law some years since, they would have been deprived of the assistance of the Master of the Rolls, the judges of the law courts, and the Court of Chancery, and some of the first judicial characters that ever adorned these courts, either in point of talent or integrity, they at the time not being Peers of Parliament. Need he mention amongst them such men as Lord Tenterden, Sir W. Grant, Chief Justice Mansfield, Sir W. Wynne. They could not have had the assistance of such men, nor could Sir J. Nicholl nor Sir William Scott be present at a single case, however advantageous it might be to avail themselves of their learning, capacity, and experience. Not one of these judges could, by his noble Friend's plan, have sat as judges at the hearing of a cause. They might have assisted as attendants on the Woolsack, without crossing the invisible line that separates the Woolsack from their Lordships' House, but not one of them could have given his voice in those judicial matters in which they were most peculiarly capable, he might say, exclusively competent to deliver opinions as judges. Thus they might have had a question on the law of nations, on which Sir W. Scott, not being a Peer, could not say a word—they might have had questions in equity, in which Sir W. Grant dare not speak—they might have had questions peculiarly belonging to a consistorial court, on which Sir W. Wynn must be silent—or if any of these did speak, it could be only in whispers, as persons who attended on that House, but could form no part of it as a judicial tribunal. He put it to the good sense of his noble and learned Friend whether a court so constituted could command greater respect from the suitors and the country, than a court constituted in the way of the Judicial Committee of the Privy Council? Whether were they to prefer a tribunal of appeal where the judges were the most competent, or where the judges were the least competent? Upon these and other grounds, not necessary again to state, he was disposed to vote against the second reading of this bill.

Lord *Campbell:* I feel, that the opposition of my noble and learned Friend on the Woolsack is fatal to these bills for the present Session of Parliament, but though he can easily succeed in rejecting them, I conceive he has utterly failed in assigning any sufficient reason why they should not pass. He has not even denied, or attempted to palliate the evils experienced in the Court of Chancery from the Chief Judge being called away half his time to hear appeals in this House. He does not venture to controvert my statement respecting the multiplication of appeals in Chancery from the appointment of the two Vice-Chancellors, or undertake to be able to dispose of them during the time at present appropriated for that purpose. He has not said a word of Lady Hewley's case, or suggested that I have in any respect overstated the mischiefs arising to the suitors from the Chief Judge being removed along with the Government to which he is attached. Nor has he proposed any other remedy for these evils. With respect to the ultimate hearing of appeals, he has not been able to mention any other country in the world where there is the absurdity of having two co-equal courts of the last resort for the determination of the same question, and he contents himself with saying, that as no dangerous collision between the two has yet taken place, none such can ever arise, although the circumstances are now varied, and I cited him an instance of the mischief being at this moment practically in operation. Nor has he adduced a single argument to show, that this House might not well be the single court of dernier resort for the empire. But my noble and learned Friend very facetiously begins by complaining that my bill for appointing a permanent judge in the Court of Chancery excludes him for the present from that situation. Were he serious, I should tell him this is only matter of detail to be considered in committee, and that my object was to prevent the multiplication of judges in the Court of Chancery, I having it on his authority that there are already too many. Without this restriction, he would have taunted me with levying new burdens on the country when the Exchequer is impoverished. From among the three Vice-Chancellors, and the Master of the Rolls, the first Chief Judge is to be selected, and although none of them may possess the learning and industry of the present Chancellor, I cannot help thinking that one of them having no distraction, might get through the business as rapidly and satisfactorily as he at present does. But my noble and learned Friend affects a discontent at the exclusion which he does not feel. He hardly wishes to lay down his fasces in this House, and to devote the rest of his days to demurrers and exceptions. Contented with present enjoyment, he knows "he may go farther and fare worse." Then he complains, that I apply this self-denying ordinance to the late Chancellor of Ireland. That person is not probably much aggrieved by the exclusion, as were his qualifications much higher for the situation, there is not much chance of its being offered to the author of bills which my noble and learned Friend denounces as tainted with radicalism. But he says, no charge is brought against the members of the Judicial Committee. Nor was any charge brought against the judges in the commission of delegates when my noble and learned Friend who sits near me in the year 1833, proposed to transfer the hearing of appeals from them to the Privy Council. Those judges had done their duty to the best of their ability, and blame was imputed only to the system. Then my noble and learned Friend delivers an eloquent panegyric on the well-working of the Judicial Committee, because, he says, from its miscellaneous members, there is an admirable tribunal constituted for every particular cause, whether it involves common law or equity, the law of nations, or the canon law, the law of France, Spain, or Holland, Hindoo law, or Musselman law. My noble and learned Friend was strenuous in his exhortation to me to be diligent and punctual in my attendance at the board, and intimated an opinion, that my attendance was not voluntary, but that I was under an implied obligation to attend. His observations show that he does not consider himself under the same obligation, or that he neglected it. [Lord *Chancellor:* I do not think I was.] I am rather at a loss to understand on what ground the obligation should be considered more cogent on me—but I will not further discuss this point, and I will try to be governed by my noble and learned Friend's precept rather than his example. But if he had been at all regular in his attendance, I think he would have been aware that generally the same individuals form the tribunal during the sittings, from whatever court or quarter of the globe the appeals may come. I am very far from questioning their competency. But what I say is, that you might more beneficially have their assistance in the House of Lords. My noble and learned Friend should recollect that my proposal is, that the Judge of the Admiralty and the Judge of the Prerogative Court, as well as the Vice-Chancellors, (to whom you may add the Ex-Indian Chief Justices, if you please), should be placed on the Woolsack, where you can have all the common-law Judges, whereas there are only two belonging to the judicial committee, and they are generally absorbed in the business of their own courts; and I hope the number will not be increased unless all the fifteen Judges are to be made Privy Councillors.

Lord *Brougham:* I entirely agree with my noble and learned Friend as to the invidiousness of making a selection without a fixed rule, but there may be a fixed rule, such as taking the senior puisne Judge from each court.

Lord *Campbell:* But will the senior puisne Judge be always a person who would be willing and well-qualified to sit in a court generally occupied with business so very unlike that to which he has been accustomed, and when from age or infirmity he may meditate retreat. But, says my hon. and learned Friend on the Woolsack, am I to be pinned down here with two unlucky compeers to dispose of appeals after the 12th of August, and so through September and October, when all the rest of the world are employed in shooting grouse, partridges, and woodcocks. My noble and learned Friend knows full well that I do not seek to interfere with his long-vacation recreations, and that I only propose that the House may sit when necessary during the judicial year. Parliament now seldom sits before the month of February, and where would be the hardship on my noble and learned Friend if in the months of November, December, and January he were to be employed in hearing appeals in this House, instead of the Court of Chancery? But he is afraid, notwithstanding any law to the contrary, that there might be political discussion during these vacation sittings. What is my noble and learned Friend's own conduct at our morning sittings? Keen politician as he is, I have not yet heard him during the hearing of a Scotch appeal rise and break out with a speech in favour of the Corn-law, or to show the necessity for an Income-tax, although there be no positive law to forbid such unseasonable haranguing; and he may surely give others credit for being able to curb their desire to mix politics with judicial proceedings in obedience to an act of Parliament. But my Lords, there can be little use in farther commenting on the speech of my noble and learned Friend, which he succeeded in making very amusing, knowing that if he had resorted to grave reasoning he must fail. For the present the measure is defeated; but I do not despair of seeing it carried before long, and with the powerful support of my noble and learned Friend. Although strong in the profession of his opinions at the moment, he cannot be accused of obstinacy. I could mention more than one important measure, which, having warmly opposed, he has patronised with equal warmth. It is a well-known fact in the history of the Prisoners' Counsel Bill, which was so often introduced before it was carried, although now all approve of it, that my noble and learned Friend made the best speech against it and for it. He has to-night made a very able speech against these bills, but when they are next brought forward I trust he will make a still better speech in their favour, and that being passed under his auspices they will be found to have introduced a substantial improvement into the administration of justice in this country, and give him an additional claim to the admiration of posterity.

The Duke of *Wellington* wished to draw the attention of the House to one point to which his noble and learned Friend on the Woolsack had not adverted. It was necessary that the great office of Lord Chancellor, which was of such high importance on account of the judicial duties belonging to it, on account of its giving the power to preside over the debates of that House, and on account of the great position which it conferred in her Majesty's councils, should be filled by one well acquainted with the laws of this country. They should, therefore, take care that the person whom they placed in that position was not ignorant of those laws, or unacquainted with their daily practice in the highest courts in the kingdom. If the subject was to be brought forward in a future Session, he hoped the noble and learned Lord would take care to introduce a provision, that the person filling the office of Lord Chancellor should be a barrister of fifteen years' standing.

Lord *Campbell* said, the noble Duke was under a very unnecessary apprehension that these bills would increase the danger of a disqualified person being appointed Lord Chancellor. As the law now stood, there was no necessity for the Lord Chancellor being a barrister at all, and in point of fact, Sir Thomas More, in the reign of Henry 8th, was the first layman who had been Chancellor for centuries. The public would continue to have the same guarantee against a bad appointment in public opinion and the responsibility of the advisers of the Crown. The Chancellor to preside in the House of Lords become the sole court of appeal in the last resort for the whole empire, ought to be one of the most accomplished lawyers of the day, although he no longer pays occasional visits to the Court of Chancery; and every motive that now exists for selecting such a person to be Chancellor would remain in full force.

The Duke of *Wellington* thought that, under the measure proposed by the noble and learned Lord, an unfit person might possibly be appointed Lord Chancellor, and therefore, he thought the provision desirable that he should be a barrister of fifteen years' standing.

Bills put off for six months.

House adjourned.

HOUSE OF COMMONS,

Monday, April 11, 1842.

MINUTES.] BILLS. *Public.*—1°· Turnpike Roads.

2°· Fisheries (Ireland).

3°· and passed:—Indemnity.

Private.—2°· Stockton and Hartlepool Railway; Dundee and Arbroath Railway; Bruntisland and Granton Pier, Road, and Ferry; Saltcoats Harbour; Aberdeenshire Roads; Carlow Road; Wrexham Road; Belfast and Cavehill Railway (Road and Shipping Place); Lincoln Roads.

PETITIONS PRESENTED. By Mr. Greene, Mr. Blewitt, and Mr. T. Duncombe, from Shoe and Boot Makers in Manchester, Monmouth, St. Andrew's, Holborn, Ashton-under-Lyne, Woolwich, Lancaster, Gloucester, Stockport, and other places, against the proposed Alteration of the Import Duty on Shoes and Boots.—By Mr. Brotherton, from Stourbridge, for the Substitution of Affirmations in Lieu of Oaths.—By Sir R. Ferguson, from the Provision Trade of Londonderry, from Carlton, Castle Camps, Querndon, Little Sampford, and a great many other places, against the proposed Alteration in the Tariff relative to Provisions.—By Lord F. Egerton, from Manchester, and the Vale of Leven, in favour of, and by Mr. French, from Roscommon, against the Financial Measures of the Government.—By Lord Howick, from the Proprietors of a Colliery near Sunderland, from Dublin, Swansea, Neath, and other places, against the proposed Export Duty on Coals.—By Mr. Pusey, from the Farmers of Farringdon Market, against the Tariff relative to Live Stock.—By Captain Hamilton, from Aylesbury, for a Law to prevent the Dog Cart nuisance in the Country.—From Francis Hulton, and Lionel Self, against Alteration of the Timber Duties.—From Cork, for the Abolition of Ministers' Money, and for the Reduction of the Import Duties.—From Dublin, that Licensed Victuallers in Ireland may be placed on the same footing as those of England and Scotland.—From Ilkeston, Devonport, Otter, Belchamp, and other places, against any further Grant to Maynooth College.—From Drumbo, Demsfort, Belfast, and other places, against the present System of Education (Ireland).—From Bethnal Green, Bridport, and Manchester, for the Repeal of the Corn-laws.—From Kirktling, against the Corn Importation Bill.—From Truro, for Abolition of Church Rates.

PETITIONS AGAINST THE INCOME-TAX.] Mr. *T. Duncombe* moved the resumption of the debate on the question that the petition presented on Friday, 8th of April, against the Income-tax be brought up.

Order of the Day read.

Sir *R. Peel* was sorry he could not acquiesce in the motion of the hon. Member, that the petition be brought up. As he had stated on a former occasion, he did not offer opposition to the presentation of the petition from any apprehension that the country generally was adverse to the proposals of the Government. He did not, however, mean to say, that a great number of petitions might not by active exertions be got up, not merely against those measures, but against any proposition for the imposition of a tax; but his opposition to the motion of the hon. Gentleman was not grounded on the apprehension, that the country generally would declare itself unfavourable to the measures which he had felt it his duty to propose. His opposition to the motion was founded on the obligation which he thought devolved on him to support that which had been the usage of the House for the last 150 years. He was aware, that this usage was not fortified by any standing order; but, at the same time, it was the practice of the House, which had been almost uniformly adhered to. He believed, that if the precedents were examined, it would be found that the usage had been uniformly adhered to for the period he had stated, namely, 150 years. He was influenced in his opposition to the motion, not by a consideration of present circumstances, but by a consideration of the position in which the country might be placed, were it permitted that obstructions should be offered to the adoption of taxes necessary for the public service for the supply of the year; and it was the same apprehension which had influenced the House in maintaining the existing practice. In 1808 a question of the same kind was raised; but, in that year, as on former occasions, the question was not so much whether or not the practice of the House should be departed from, but whether or not the petition which was the subject of discussion was directed against a tax under the consideration of the House. In 1808 the petition was directed against the orders in council, and those who contended most strenuously for the reception of the petition, contended, that the rule or usage of the House did not apply in the case; and Mr. Tierney, then in opposition to the Government, a high authority on these points, and certainly a man not disposed to construe illiberally rules or usages which might be supposed to operate against popular rights, expressly stated, that if he thought the petition was directed against a proposed tax, he should decidedly vote for its rejection, because it was his belief, that if they permitted petitions against taxes necessary for the supply of the year to be presented, every man would try to shift the burden from his own shoulders; and there would be consequently such an obstruction of the public business as would materially interfere with its progress. This was the opinion of Mr. Tierney, who contended that the petition was not against a tax, but against a regulation of trade, adding, that if it were against a tax, he should have felt it his duty to oppose the presentation. There were in the week only two days out of seven, namely, Monday and Friday, which her Majesty's Government had for the consideration of those measures which they felt it their duty to bring forward. Those days were supposed to be set apart for the convenience of the Government; but they were, in point of fact, set apart for the convenience and advantage of the public. He sat in the House eight hours every night, and it was to him personally a matter of comparative indifference how those hours were employed; but the two days devoted to Government business were not set apart for the private convenience of the Members of the Government. It was well known, that on Tuesdays, Wednesdays, and Thursdays, other business might interpose, at the discretion of individual Members, to the exclusion of Government business. He certainly did not believe, notwithstanding the motions for adjournment which had been made, that there was any disposition in the House of Commons, or in individual Members, to make an unfair use of any of the privileges they possessed for the purpose of obstructing the public business; yet it was clear that if petitions might be indefinitely presented with respect to taxes under the consideration of the House, and be debated, in that case it would be impossible for the public business to proceed, and a most material obstruction would be offered to its progress. He was not speaking, he again stated, of the present time; but of a time of war, and when they were under the necessity of raising supplies, those events which had been apprehended in former times, and referred to by Hatsell, might again occur, and a serious obstruction be given to the business of the country. It was argued, that there had been a departure from the ancient practice in another particular, and that Members were restricted from debating petitions; but this was not the result of any standing order: it was founded on the same basis as the rejection of petitions against taxes for the supply of the year. [Viscount *Howick:* There is a resolution of the House on that subject.] He was aware of the resolution of the House, but he apprehended that it had no binding effect beyond the Session in which it was passed. Where there was a standing order it was competent for the Speaker to interpose, and, fortified by that standing order, to prevent discussions on the presentation of petitions; and that constituted the distinction between a standing order and a resolution, which latter he apprehended had no force beyond the Session when it was agreed to. Consequently, the prevention of debates on the presentation of petitions rested very much on the same basis as the refusal to receive petitions against a tax or duty. It was founded on a sense of public convenience fortified by usage. In the one case the usage had existed 150 years, and in the other only five. He did not deny that he had reason to believe, that his opinions on this subject were not universally prevalent. He knew it was unpopular to oppose the presentation of petitions. As he had said before, he had no personal interest or motive to oppose the presentation of these petitions; but he did not know how a man could fairly discharge his duty, if he abstained from pressing that on the House which he believed to be consistent with propriety. It was better to submit a matter of this kind fairly to the House, and let it be determined by the House, than to presume that the practice of 150 years ought to be departed from without the least argument, and at once to give assent to that which might be deemed popular. He must persevere in the determination he had expressed on a late occasion when this question was discussed, finding himself fortified by a practice of 150 years, during which period the House had refused to receive petitions against taxes; and he felt so strongly the inconvenience of establishing a precedent which, in times of greater difficulty, might be appealed to for the purpose of embarrassing the public service, that he must, in compliance with what he conceived to be a sense of duty to the country, offer his resistance to the motion of the hon. Member; and, taking this course, he did not conceal from himself the power which the hon, Member and others possessed, of offering petitions of this sort, and provoking debates on them, which might give rise to greater inconvenience than even the reception of the petitions. He did not deny, that this inconvenience might arise, but feeling himself right in the objection he now made, he must deal with that inconvenience as it arose, and he could not give his assent to the alteration of what had been the practice of the House for a very long period.

Viscount *Howick* agreed with the right hon. Baronet in the general propriety of adhering to the usages of the House, and his opinion on this point was so strong, that he had come down the other night with the intention of not supporting the motion of the hon. Member for Finsbury; but he did not think that their admiration of the former practices and usages of the House ought to be blind and unreasoning; and, in his opinion, they were bound in all cases to consider whether the reasons on which the existing practices and usages had been founded still existed and were applicable. If those reasons still existed, it would be found the soundest wisdom to adhere to the usages, but if the reasons no longer existed, then they would act much more wisely if they made their practice conformable to the change of circumstances. He thought it had been shown most clearly on a former night, by his hon. Friends the Members for Edinburgh and Devonport, that the grounds on which the old practice was founded no longer existed. The change made in the mode of receiving petitions had entirely taken away the reasons on which the practice for rejecting petitions like the present was originally founded; and, since the adoption of that new mode, it was impossible for the presentation of any conceivable number of petitions to impede the progress of the public business. He concurred with the right hon. Baronet in attaching importance to the preservation of those rules of the House by which Monday and Friday were reserved for the Government business; because, after all, that was the business of the country, and, as the right hon. Baronet truly stated, those days were not so set apart for the personal convenience of the Members of the Government, but for the advantage of the public service. He gave the right hon. Baronet some proof that he entertained that feeling very strongly, as he voted with him against a motion on the subject on a former evening, because he believed it would interfere with that practice; but it was demonstrated to him beyond all doubt, that the reception of this petition could in no respect tend to interfere with that rule. On the contrary, as his hon. Friend had shown most clearly, the maintenance of this practice would have an opposite effect. It was the maintenance of it, not the change, that would prevent the time of the House from being devoted to other great questions. For this would be the necessary consequence. They were now discussing the question whether this petition should be received. Suppose it were decided in the negative. His hon. Friend might have another petition to-morrow; he might give notice of his intention to present it, and might again divide the House. Every other hon. Member might take the same course, and those hon. Members to whom the petitions were intrusted, if they found any petition expressing the feelings of a considerable body of people, might think it their duty to bring that fact under the notice of the House, and, as his hon. Friend argued the other night, they would have a right to go further, and every night that the House went into committee of supply, or of any measure involving taxation, every hon. Member might state the number of persons by whom any petition on the subject was signed, and the substance and prayer of that petition; and he would ask whether that would not much more seriously interfere with the conduct of public business than changing a rule which had been for some time in force? But the right hon. Baronet said, that the reception of petitions would very much interfere with taxes, even in cases where they were most necessary, if they were allowed to be debated. No doubt of it; he at once admitted it. But if they received petitions, they were much more likely to exclude debates upon them than if they adopted this course. The right hon. Baronet said, this rule of not debating petitions rested only on the same ground as the usage it was now proposed to change, and that the one was of five years' standing, whilst the other was of 150 years' standing. But, if he were not mistaken, there was no direct resolution of the House for not receiving petitions on the subject of taxation, whilst there was as to not permitting debates upon petitions. But then, in the one case, the rule was essential to the due conduct of public business, and in the other it was not. The rule against debates on petitions, now that petitions were so numerous, was obviously in the opinion of 9-10ths of the House necessary in order to get through the business they might have to perform; but the other rule was, in his opinion, equally unnecessary. When he found that after two days' consideration of this question the right hon. Baronet, with all his experience, all his power of stating forcibly his reasons against taking any course of which he disapproved, could allege no one reason whatever against the change that was now proposed, except that it was a change, he could not hesitate as to the vote he should give. He certainly felt that the right hon. Baronet had stated the case to the House most temperately and fairly; but wishing, upon his own part, as much as the right hon. Baronet upon his, to expedite public business, he could not but regret the course he felt it his duty to adopt in voting with his hon. Friend the Member for Finsbury.

Mr. *Milnes* said, that if the people got into the habit of petitioning against taxation, and no doubt such habit might be very easily got into, the case might well occur that universally, or almost universally, when this House was voting any tax an enormous body of petitions of the people of England might be presented against it. The consequence would be, that the decisions of this House on matters of taxation would be brought into disrespect, and there would be a notion among the people that the House did not fairly represent the opinions of the people. And he could not help thinking that the hon. Member for Finsbury had some notion of that kind in his head, and would render the people discontented with the constitution of the House. He therefore called upon the Members who were satisfied with the constitution of that House to consider whether it were right to abandon at once their ancient usage. During the ten years that hon. Gentlemen opposite sat on the Ministerial side of the House, with a professedly popular Government, they never thought of reforming what they now seemed to regard as an abuse; and now, when a tax was proposed which would, in his opinion, elicit fewer petitions than any other tax, which was more equal than any other tax, he thought it was not a proper time, without some more sufficient reasons than had yet been given, for changing the usage of 150 years.

Mr. *H. Berkeley* said, his reason for wishing to say a few words on this subject was, that he had had presented to him a requisition from his constituents signed by upwards of 1,000 persons. They complained of not being permitted to express their opinion touching a tax which bore so unjustly as this, and as they were unable to approach the House themselves, they expected their representatives to stand forward in their places in Parliament, and express their sentiments, although they would much rather have expressed them on this occasion by petitions to the House. His hon. Colleague had a requisition to the same effect; he knew not what course his hon. Colleague would take respecting it; but he felt it incumbent upon himself to support what he thought most just and right,—namely, that the people should have an opportunity of expressing their opinion before so heavy an impost was placed upon them under circumstances which had not before occurred.

Lord *F. Egerton* said, as he felt himself obliged to vote against the right hon. Baronet, he wished to explain his reasons for doing so. He could not but feel that the arguments of hon. Gentlemen who supported the presentation of this petition were based on a different ground from those which were urged in favour of discussing petitions, and that it would be impossible to conduct the public business, if they were to depart in any sensible degree from the rule, whether by resolution or otherwise, which they had lately observed, of restricting themselves from discussing petitions at the time of their presentation. Upon that ground, and viewing it distinctly as the ground of the argument of the noble Lord the Member for Sunderland, he must say he could not but concur with him in the reasons he had stated for doing that which he thought they were bound to do—viz., opening their doors as widely as possible, so far as the business of the House and the necessities and operations of the Government and of legislation would admit, to the petitions of the people on all subjects. He felt that this rule did not rest upon so formal a proceeding of the House as would preclude the danger of other discussions of this kind at some future period; but he would put it to the House, whether the practice with regard to the presentation of petitions and restriction of discussing them could not be fenced by some more formal proceeding than anything that had yet taken place?

Lord *J. Russell* was glad to find that the noble Lord who had just spoken concurred in favour of the reception of this petition. The noble Lord had alluded to the opinion expressed by the right hon. Gentleman at the head of the Government, in which he should agree with him if he thought it necessary to have any more formal proceeding of the House than had been adopted; but let him call the attention of the noble Lord and of the House to what occurred in an early part of this Session. A notice was given by the hon. Member for Greenock—

> "That the usage which has prevailed of late years of abstaining from discussing the petitions of the people at the time of their presentation shall not be sanctioned in the present Parliament, but that the practice which formerly prevailed in the House, of discussing petitions at the time of their presentation, shall be restored."

That motion was never made in that shape. The question came before the House, but it was then stated from the Chair, that the more regular mode to bring on that motion was to read the resolution of February, 1839, and move, that that resolution be rescinded. He had no doubt that the Speaker, in laying down that mode of proceeding, was acting in conformity with the rules of the House, nor could he doubt that it was in conformity with reason, because if they took any course whilst they had a resolution on the journals of the House, they would be acting contrary to it, unless that resolution were formally rescinded. When the motion came forward again, it was on the 7th of February, and after reading the resolution, the motion was made and the question put, "That the said resolution be rescinded;" and, on the House dividing, the numbers were found to be—Ayes 50; Noes 237. He thought it showed very clearly that, without any other proceeding of the House, it would be necessary to propose, that that resolution should be rescinded. Having alluded to that subject, he begged leave to say a few words on the question itself, upon which he had not addressed the House the other day. The right hon. Baronet hoped, that the Members of the late Government would not vote for the reception of such petitions; but it was because he concurred in the conduct of the late Government in respect of the presentation of petitions, and in the vote that was come to at an early part of the Session, that he felt himself bound to support the reception of these petitions. What was the course of their ancestors? He did not, as did some hon. Members, hold as a matter of indifference the practice of 150 years. He had a great respect for the practice of this House that had been adopted for a century and a half, and it was not without a good deal of argument, sufficient to satisfy his mind, that he should be ready to overthrow that practice. But what was the course of their ancestors? They said, "Let the doors of the House be opened to petitions Let them be received, and the substance stated—let other Members debate them—let the whole grounds of these petitions be before the House, and, if necessary, let the time of the House be occupied in discussing them." But they said on one particular subject, namely, fresh taxes, that this extreme liberty was so inconvenient, that they must put a stop to the exercise of that freedom. What had the House done since? Had they concurred with their ancestors as to this general discussion of petitions? By no means. They found that it led to serious inconvenience, and therefore they put a stop to that practice. They also made another rule as to the presentation of petitions, and obliged the Members presenting them to confine themselves to the subject of them, and prevented other hon. Members from discussing them. Having departed from it in that respect, was it reasonable that they should keep up the practice of their ancestors, and restrict the presentation of petitions on the subject of new taxes? Having altered the practice in one respect, he thought they ought to alter it in another, and therefore he was disposed to agree with this motion. When the hon. Gentleman opposite (Mr. Milnes) was so much afraid of the presentation of petitions, that he said it would be utterly impossible for the House to impose any taxes at all, he begged to say, that with respect to taxes already imposed, there was no objection to the presentation of petitions against them. Suppose the Income-tax was passed this year, there was nothing against the presentation of petitions next year, from any number of persons, using whatever arguments they might please, and praying for the repeal of that tax. They might petition against any tax already in force. There was an inconsistency in that respect. Upon the whole, having altered the practice, as they had done, as to the discussion of petitions, he thought it would be much more to their advantage, with respect to the taxes hereafter to be laid on, that they should know what the petitioners had to say on the subject. With respect to particular taxes affecting particular classes, those persons might often have statements to make to the House which would be very valuable in considering those taxes. He hoped, therefore, that the House would now establish what he thought was a reasonable practice on this subject, that there should not be discussions, wasting the time of the House, on the presentation, but that they would allow these petitions, like all others that were respectfully worded, to be received.

Mr. *S. Wortley* said, that he was desirous of saying a few words on the subject under discussion, inasmuch as he was one of those who had supported the opposition of his right hon. Friend the First Lord of the Treasury, on a former evening, to the proposal of the hon. Member for Finsbury. He wished to remind the House that the question, as it seemed to him, before the House was not precisely the same as that on which they had to decide on the former occasion. The hon. Member for Finsbury had moved, the other evening, that the practice of the House should be discontinued which forbids the reception of the petition against a tax under the consideration of the House. Now, he so far concurred with his right hon. Friend, that he did not feel prepared to vote for the discontinuance of a practice which had been established so many years. He thought that that was a reasonable objection to the former motion of the hon. Member for Finsbury, because he could conceive cases of pressing emergency, as in time of war, in which it would be desirable to enforce the practice, which had been so long in existence, of not receiving petitions against a tax under the consideration of the House. But at the same time, now that they were called upon to receive a petition against an Income-tax, he owned, that he doubted whether they would be justified in enforcing the rule in that particular instance. They had been told by his right hon. Friend at the head of the Government, that the Income-tax was to be made part of a series of measures; and he thought it could scarcely be called a tax imposed merely for the service of the present year. He must concur in the opinion that this practice should be regulated by a strict construction, and that they should take care not to step beyond the strict limits in respect to necessary legislation. He thought there was something in this argument; and as one who was bound, in the administration of justice, to consider penal enactments, so he was bound to look to the practice which forbade the right of the people to petition Parliament. If he looked to the practice of the House—if he looked that very day to the votes and proceedings, there stood recorded thereon a petition against a tax which was more strictly one for the purposes or service of the year, than the Income-tax. There appeared there a copy of a petition against a coal-tax, by which it was intended to raise a sum of 200,000*l.* [Sir *R. Peel:* It had not been voted in committee.] His right hon. Friend made a distinction the other night, which he (Mr. S. Wortley) believed to be perfectly valid, when he said that this rule was to be applied only to cases in which they were about to raise taxes for the supply within the year, and not to cases in which it was proposed to raise taxes for commercial purposes. Within the latter class were the corn duties, and they had during the present Session received a number of petitions on that subject. Now, the right hon. Gentleman the late Chancellor of the Exchequer proposed last year to make the duties on corn a portion of his budget, and if he (Mr. Baring) had done so, would the people of England have been precluded from petitioning against it? It appeared to him that there would have been some difficulty in that case, and that those duties would have been strictly within the rule they were discussing. Upon the whole, though not disposed absolutely to discontinue the practice, he should vote for the present motion.

Sir *J. Graham* confessed he could not see the force of the distinction which his hon. Friend the Member for the West Riding of Yorkshire had drawn between what he had represented to be his practical intention now, and his abandonment of the usage which had prevailed for 150 years. He would not detain the House by any empty declamation on his sincere respect for the general right of the subject to petition; but he could not conceal from himself the vast importance of a usage, dating from the period of the revolution, when the rights and liberties of the people had been so nobly vindicated, and had been so recently and thoroughly triumphant. For a century and a half since that period this usage had been on clear, intelligible ground, maintained. It was true it had been originally accompanied with the privilege of Members speaking on petitions indiscriminately; but indeed had the right of petitioning combined with this privilege of speaking ever prevailed practically, on taxes being imposed, it would manifestly have been impossible for any servants of the Crown to carry any tax whatever which was unpopular; and it was certainly in the nature of all taxes to be unpopular. Nor could he confine his views on this occasion to the narrow circumstances of this particular case, but as a servant of the Crown he must do his duty in considering what were likely to be the consequences of a surrender of this usage. Now, he found, by established usage, the inalienable and undoubted right of petitioning restrained in this case of a tax actually in progress. If the hon. Member opposite had any good ground for abolishing this ancient usage, why they would certainly have equally good ground for re-establishing the older practice of indiscriminate speaking on petitions; for the limitation of that right of speaking had only existed some few years, and it was quite needless to observe how trifling must be the authority of so novel a regulation compared with a usage sanctioned by a century and a half of common consent. He had therefore, to put it to himself, what would be the practical effect of adopting this innovation as to the presentation of petitions against taxes in progress? And he was compelled to associate in his mind the probability of the innovation—as undoubtedly it was, and standing on so slender a foundation, compared with the present practice — he was compelled to anticipate the probability of the restoration of the old practice in one respect, following on the abolition of the old practice in the other. Nor could he disguise from himself the conviction, that were the innovations now sought for to be assented to on the one hand, and the regulation of so comparatively a recent date, abolished on the other, the future servants of the Crown would have no power to pass any tax through that House, and he must feel that they would owe this embarrassment and this evil to the present Ministers of her Majesty, were he and his colleagues to consent. This was a responsibility which he for one was not prepared to incur; and taking the most dispassionate view of the question, without reference at all to present circumstances, or to what he believed were the existing interests of the country, he could not reconcile it with his duty to participate in that responsibility. He therefore should assuredly vote against the proposition of the hon. Member for Finsbury.

Lord *J. Manners* begged to say one word only. The right hon. Gentleman had relied on the revolution precedent. Now this was an authority, of course, conclusive with the gentlemen opposite, who approved of revolutions. But for himself as he conscientiously believed all revolutions to be wrong, he did not attach any weight to the authority, and should vote with the hon. Member for Finsbury.

Captain *Hamilton* said, that he had voted against the motion of his hon. Friend the Member for Finsbury on Thursday last, and he did not think that any argument that had now been advanced would cause him to change his opinion. He had no desire to throw any impediment in the way of the undoubted right of the people to petition the House of Commons, but certain rules had been laid down and forms printed, and he did not think a special case had been made out why they should, on this occasion, be departed from. He (Captain Hamilton) must confess that the mode of presenting petitions to that House was not of a very imposing nature, or calculated to impress those who signed and sent them with the belief that any great attention would be paid to their prayers. And if any mode could be devised which, without interfering with the business of the House, would improve the present system, it should have his support, from whatever side of the House that proposition might come. In respect to the petition which was the cause of the present debate, he repeated the expression which had drawn so many remarks from an hon. Member opposite. He (Captain Hamilton) maintained that this was a petition from class interests, the unproductive classes, those who lived by the sweat of other men's brows. The petition came from the lawyers and gentlemen of Finsbury; and although they were, no doubt, a numerous and highly respectable body, and entitled to the consideration of the House, he did not consider that their interests could be in the slightest degree injured by leaving it to their able representatives (who rarely allowed any measure to pass without expressing their opinions) to oppose any part of the right hon. Baronet's measure they did not approve of.

Viscount *Sandon* would not detain the House; but having voted with the majority on a former occasion, he wished to say that he would also now vote against the motion of the hon. Member. After the experience which they had of the inconvenience that arose from hon. Gentlemen being allowed to speak on petitions, he could not vote for the present motion till he had security that the departure from the rule in the present instance would not be attended with inconvenience, and lead to the restoration of a practice which all had admitted to be inconvenient.

The *Chancellor of the Exchequer* did not mean to detain the House, but wished merely to observe upon one point connected with the question, before the House assented to the present motion. He believed, that by such assent they would be placed in a most inconvenient and extraordinary position. He thought that whatever course the House took, it ought to be clearly defined, and they should not content themselves with passing an ambiguous resolution. Now he could understand hon. Gentlemen who wished to alter a practice of 150 years' standing, and to them it was perfectly competent to propose a resolution for that purpose. But that course had been taken on Thursday last, and the House had decided that it would not depart from the practice of 150 years, and yet on looking at the journals of the House, he found within one week after that decision a motion made to receive a petition, not only contrary to the practice which had been adopted for 150 years, but in direct opposition to the resolution by which that practice had been confirmed only on Thursday last. For that reason alone, if there were no others, he should feel bound to vote against the motion of the hon. Member for Finsbury.

Mr. *T. Duncombe* had no hesitation in declaring it to be his intention to do every thing in his power to break down if possible, the unconstitutional barrier which had been interposed between the people and their inalienable right of petitioning the House against a tax. He was surprised after having consented to the adjournment, in order to give hon. Gentlemen opposite time to prepare themselves, that they should have come down with no better arguments than, that the practice had subsisted for 150 years uninterruptedly; the right hon. Baronet said, he had attempted to prove to the House that the practice had not been uninterrupted, and he was sick of repeating that the practice had very frequently been interrupted. But admitting, for argument's sake, that the practice had been uninterrupted, still no length of time could sanction injustice. And it was injustice to refuse to receive the petitions of the people on questions affecting their pecuniary interests. But suppose the right hon. Baronet to succeed in rejecting this petition to-day, how much further would he be advanced? To-morrow he would have to fight the same battle over again. The bold and proper measure to pursue would be for the right hon. Gentleman to come down to the House and propose a standing order for the rejection of petitions. If he did not do so, he would have to fight the fight day after day. The right hon. Gentleman said his tax was popular. He had taunted the opposition by asking where was their explosion. Why, they had refused to receive the petitions of the people; they had bound them hand and foot, and then asked why they did not move. They had gagged the people, and asked why they did not speak. The right hon. Gentleman would have to give way at last. He would persevere day after day when petitions were sent to him in presenting them to the House, and would leave to the majority of the House the responsibility of rejecting the petitions of the people. He would persevere in taking the sense of the House on this subject.

The House divided on the question that the petition be brought up:—Ayes 221; Noes 222: Majority 1.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Archbold, R.
Baldwin, C. B.
Bannerman, A.
Barclay, D.
Baring, rt. hon. F. T.
Barnard, E. G.
Bell, J.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, Capt.
Blackstone, W. S.
Blake, Sir V.
Blewitt, R. J.
Bodkin, J. J.
Borthwick, P.
Bowes, J.
Bowring, Dr.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, hon. W.
Bryan, G.
Bulkeley, Sir R. B. W.
Buller, C.
Burroughes, H. N.
Busfeild, W.
Butler, hon. Col.
Byng, G.
Cave, hon. R. O.
Cavendish, hn. G. H.
Cayley, E. S.
Chapman, B.
Childers, J. W.
Clay, Sir W.
Clayton, R. R.
Clements, Visct.
Cobden, R.
Colebrooke, Sir T. E.
Collins, W.
Colvile, C. R.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Currie, R.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
Dawson, hon. T. V.
Denison, J. E.
Dennistoun, J.
Dick, Q.
Dickinson, F. H.
D'Israeli, B.
Divett, E.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Dundas, Admiral
Dundas, F.
Dundas, hon. J. C.
Du Pre, C. G.
Easthope, Sir J.
Ebrington, Visct.
Egerton, Lord F.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Elphinstone, H.
Etwall, R.
Evans, W.
Ewart, W.
Ferguson, Col.
Fielden, J.
Ferrand, W. B.
Fitzwilliam, hn. G. W.
Forster, M.
French, F.
Gibson, T. M.
Gill, T.
Gordon, Lord F.
Gore, hon. R.
Granger, T. C.
Grattan, H.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hanmer, J.
Hardy, J.
Harris, J. Q.
Hastie, A.
Hatton, Capt. V.
Hayter, W. G.
Heathcoat, J.
Heron, Sir R.
Hill, Lord M.
Hobhouse, rt.hn.Sir J.
Howard, hon. C.W.G.
Howard, hon. J. K.
Howard, Lord
Howard, hon. E.G.G.
Howard, P. H.
Howard, hon. H.
Howick, Visct.
Hutt, W.
James, W.
Johnston, A.
Labouchere, rt. hn. H.
Lambton, H.
Langston, J. H.
Langton, W. G.
Leader, J. T.
Lemon, Sir C.
Listowel, Earl of
Loch, J.
Macaulay, rt.hon.T.B.
McTaggart, Sir J.
Mahon, Visct.
Mainwaring, T.
Mangles, R. D.
Manners, Lord J.
Marjoribanks, S.
Marshall, W.
Martin, J.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Morison, General
Morrison, J.
Mostyn, hon. E. M. L.
Murphy, F. S.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, J.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
Ogle, S. C. H.
Paget, Col.
Paget, Lord A.
Palmer, R.
Palmer, G.
Palmerston, Visct.
Parker, J.
Pendarves, E. W. W.
Philips, G. R.
Phillpotts, J.
Pigot, rt. hon. D.
Pinney, W.
Plumridge, Capt.
Ponsonby, hon. C. F. A. C.
Ponsonby, hon. J. G.

Powell, C.
Power, J.
Protheroe, E.
Pulsford, R.
Ramsbottom, J.
Rawdon, Col.
Rennie, G.
Ricardo, J. L.
Russell, Lord J.
Russell, Lord E.
Rutherfurd, A.
Scholefield, J.
Scott, R.
Scrope, G. P.
Sheil, rt. hon. R. L.
Sibthorp, Col.
Smith, B.
Smith, J. A.
Sombre, D. O. D.
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stewart, P. M.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Tollemache, hon. F. J.
Tollemache, J.
Towneley, J.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vane, Lord H.
Villiers, hon. C.
Villiers, F.
Vivian, hon. Major
Vivian, J. H.
Vivian, hon. Capt.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Ward, H. G.
Wason, R.
Wawn, J. T.
Westenra, hon. H. R.
White, L.
White, S.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Wodehouse, E.
Wood, B.
Wood, G. W.
Worsley, Lord
Wortley, hon. J. S.
Wrightson, W. B.
Yorke, H. R.

TELLERS.

Duncombe, T.
Hawes, B.

List of the Noes.

Acland, T. D.
A'Court, Capt.
Ackers, J.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Archdall, M.
Arkwright, G.
Ashley, Lord
Ashley, hon. H.
Astell, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Baird, W.
Balfour, J. M.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Beresford, Major
Bernard, Visct.
Blackburne, J. I.
Boldero, H. G.
Botfield, B.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Col.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Burdett, Sir F.
Burrell, Sir C. M.
Campbell A.
Chapman, A.
Chelsea, Visct.
Chetwode, Sir J.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Coote, Sir C. H.
Corry, rt. hon. H.
Courtenay, Visct.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.
Dugdale, W. S.
Duncombe, hon. A.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Feilden, W.
Filmer, Sir E.
Fitzroy, Capt.
Fitzroy, hon. H.
Follett, Sir W. W.
Forbes, W.
Forester, hon. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Greenall, P.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Houldsworth, T.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hornby, J.
Ingestre, Visct.
Irving, J.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, Sir J.
Johnstone, H.
Jones, Capt.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knight, F. W.
Law, hon. C. E.
Lawson, A.
Leicester, Earl of
Liddell, hon. H. T.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
McGeachy, F. A.
Manners, Lord C. S.
Martyn, C. C.
Marton, G.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Miles, P. W. S.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Murray, C. R. S.
Neeld, J.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pemberton, T.
Pigot, Sir R.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Powell, Col.
Praed, W. T.
Price, R.
Pringle, A.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rose, rt. hn. Sir G.
Round, C. G.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.

Sheppard, T.
Shirley, E. P.
Smith, A.
Somerset, Lord G.
Somerton, Visct.
Sotheron, T. H. S.
Stanley, Lord
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, J. A.
Tennent, J. E.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Walsh, Sir J. B.
Wilbraham, hon. R.B.
Williams, T. P.
Wood, Col.
Wood, Col. T.
Wyndham, Col. C.
Wynn, Sir W. W.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

Rules of Debate.] Sir *C. Napier* observed, that on Friday night the right hon. Baronet the Member for Tamworth had claimed to address the House on the main question—the motion actually before the House being one of adjournment. Now, he wished to learn from the right hon. Gentleman in the chair, whether it would be competent to any other Member to have addressed the House on the main question, a motion of adjournment being at the time before them.

The *Speaker* replied, that the right hon. Baronet was, on the occasion referred to, fully entitled to address the House on the main question, for it was included in the question of adjournment. No doubt any other hon. Member would have been equally entitled to address the House.

Mr. *Brotherton* wished to know whether it would have been equally competent to Members to speak on the main question, if the motion had been for an adjournment of the House instead of for an adjournment of the question.

The *Speaker* observed, that that was a very distinct question; but he was of opinion, that if a Member claimed to speak on the main question on the ground of its importance and urgency, the Chair could not interfere.

Sir *R. Peel* said, that he claimed to speak to the main question—upon that the Speaker said, that his doing so would be no evasion of the general rule. When Lord North signified his resignation of office, there was a motion that the House do then adjourn—upon which Lord North said, "Then I rise to speak to that motion."

Lord *J. Russell* thought that the right hon. Baronet the Member for Tamworth was perfectly justified in claiming to be heard on the main question, though a motion for adjournment was, strictly speaking, the question before the House. It was difficult to separate the one from the other.

Subject at an end.

Income-tax—Report—Adjourned Debate.] Dr. *Bowring* moved the Order of the Day for resuming the adjourned debate on the resolutions of the noble Lord the Member for London on the subject of the Income-tax. The hon. Member said, he would venture to intrude a few observations upon the attention of the House, because, though he felt bound to vote against the proposal of the right hon. Baronet, he could not, for one, consent to adopt the resolutions of the noble Lord the Member for London without some qualifications. It was sometimes the privilege of Members of that House, and upon this occasion it was his, to gather some consolation in the progress of its debates from concessions mutually made by both sides of the House to the great principles to which some of the Members of the House had been faithful through evil and through good report. He had heard with no small gratification a declaration of the noble Lord the Member for London, that he thought the time was come when a legacy duty might be conveniently and properly levied upon real property; and the noble Lord was taunted by an observation from the other side of the House which recalled to his mind that his statement was contradictory to statements made by hon. Members belonging to this party. But he, notwithstanding that alleged difference of opinion amongst persons of the same political party, confessed that he received no impression but one of gratification from the concession, that injustice was done in the present mode of taxing property, and that real property which had descended from generation to generation did not bear its fair proportion of taxation. He cared little about the motion which induced hon. Members to recognize sound principles, it was to their recognition—their recognition from both sides—from men in hostile positions—from the heads of parties, that he looked for ultimate and substantial benefit. With regard to the other proposal of the right hon. Baronet, he considered it as a great step towards the improvement of our trade and commerce with the whole world; and he valued very little some of the remarks which had emanated from that (the Opposition) side of the House, as to the inconsistency of many of the supporters of the right hon. Baronet. Suppose the right hon. Baronet had not on former occasions given effect to the sound principles which he now proposed, was that a reason why he, who always advocated them, should refuse his cordial co-operation in measures by which those principles were advanced? He, for one, cordially welcomed the proposal of the right hon. Baronet, and sure he was, that proposal would receive such support from many of the hon. Members in the Opposition as would fully compensate for the opposition he would meet with elsewhere. He knew that much was to be done in other matters—that economy had been miserably violated—that expenditure had been rashly and unnecessarily increased. He rejoiced, that he had been no party to the bringing about of that national calamity, the continued inequality of the resources of the state, year after year, to its expenditure; and if he were called upon to give an opinion of the policy which had caused the deficiency in the public revenue, he must say, that he could not approve of it. He did not see the advantage which England had derived from that policy. What good had we accomplished as a nation by going into Syria? Was this country the better because the blood of multitudes had flowed down the sides of Mount Lebanon, and tinged the waters of Jordan? What had we gained by our warfare in India—by setting up an imbecile old man and dethroning a popular ruler? Change your position; apply to the Affghans the golden rule of doing unto others as you would have others do unto you. What would the people of England think if the natives of Affghanistan had come over here to establish the dynasty of the Stuarts? Was it not melancholy to hear the right hon. Baronet confirm the report that 10,000 or 12,000 men had been already sacrificed in this new and unhappy war? But would he put an end to it by his interference? No; thousands and tens of thousands more probably would yet be destroyed, and the people of England would have to pay enormous charges to carry on the wicked contest. He confessed that he did not understand that mode of balancing public accounts, by setting injury against injury, wrong against wrong, and murders against murders, while the people of England were to be called upon to pay for the execution of the same. How was England to be benefitted by the Indian war, on account of which millions of money would be wrung from a suffering population, whose distress the right hon. Baronet admitted, and whose resources he acknowledged were exhausted by indirect taxation—by duties levied upon articles of consumption, so that he was obliged to turn his fiscal attention in another direction, and to attack property, which he confessed he would have attacked rightly if he had regarded the rule of equity, and weighed the great difference between that income which was transitory and that which was permanent. Had the right hon. Baronet done that he would have given him his cordial support, and he should have hailed the present as a new era in our mode of taxation, because, by taxing people according to their ability to pay, the right hon. Baronet would have pursued a course honourable to himself, worthy of the support of Parliament, and just to all classes. Whatever might be the cause which had placed them in their present position, he could not help feeling satisfied that the result was, to force them to treat the question of taxation upon right principles, or, at all events, to approximate to the right principles of taxation. As to the argument that a property-tax should be resorted to in time of war only, it produced no effect upon his mind. He asked not whether it was a war-tax or a peace-tax, but whether it was founded on justice and equity. If so, he should be the first to acknowledge that it was the tax which public opinion would ultimately support. But the right hon. Baronet had associated with it so much of injustice, of wrong, and of injury, that he could not support the right hon. Baronet's proposition. His confounding income with fixed property had misled him; and it was difficult to conceive how the right hon. Baronet, with his astute mind, could not perceive the great difference between wealth consisting of money in the public funds or estates, and which from generation to generation was secure to the person who had a life interest in the same, and that wealth which, resulting from the daily labour of an intelligence that passes away with life, is ever uncertain, and leaves nothing behind it. An equitable property-tax presented various features to recommend itself. It appeared to him that in proportion to the extent of protection given by the state to individuals should be the price of that protection. The premium paid for insuring houses and ships was always in proportion to the value of the property; and if the right hon. Baronet would propose a tax regulated according to that principle, he did not see how any case against it could be made out. An hon. Member had taken some pains to show that assessed taxes might be improperly and unjustly levied, and he believed it; but when we came to direct taxation, persons could be taxed according to their means, and the various schemes to favour particular interests would be defeated. He differed with the hon. Member for Liskeard, who objected to direct taxation because it was a traceable source of revenue, because its produce could be accurately estimated, because its exactions could be clearly calculated,—this was the very ground upon which he approved of it. Most erroneous had always been the estimates of what taxes upon consumption would bring to the Treasury; whereas the produce of direct taxation could be calculated to a shilling. Then, again, the machinery of direct taxation would not be so multitudinous, expensive, or vexatious, as that of indirect taxation, with all the annoyances of the Customs and the despotism of the Excise. Direct taxation would not only be less oppressive to the people, but more satisfactory to the Treasury in its results; while it would tend also to remove impediments in the way of international communication and foreign trade. Now that the subject was fairly mooted in the House, he hoped the discussion would end in the establishment of a fair and equitable system of direct taxation. The effect of indirect taxation was always injurious to the trade in the articles upon which it was levied. When Napoleon Bonaparte established the *octroi* in the city of Ghent—a tax levied principally upon food, and bread in particular—the brewers of that city sent a deputation to the public authorities to inquire what amount was expected to be realised by it; and being informed about 300,000 francs, they at once offered to pay the tax, knowing that its operation would be injurious to trade, to an extent far greater than it was proposed to levy. What was the effect of the present system of duties levied upon imports into this country? The consumer was invariably the sufferer. There was not only the loss to him of the impost which went to the Treasury, but of the additional price and additional profit which the levying of that impost added to the value of the article. The duty upon coffee was 84*s.* per cwt.; the importing merchant added not less than 10 per cent. for his profit; the retail trader levied an additional charge of 13*s.* 10*d.*; so that the consumer in the end paid 22*s.* 3*d.* beyond the duty of 84*s.*; and because of the existence of that duty; thus, in addition to the state levying 140 per cent., the traders levied 45 per cent. upon the consumer. The prime value of tobacco was 4*d.* per lb.; the state levied a duty of 3*s.*; the trader added 4*d.*, and the retailer 15 per cent.; so that in fact 3*s.* 10*d.* per lb. was paid for an article which originally cost but 4*d.* The first cost of sugar might be about 25*s.* per cwt., and the duty 25*s.*; the importer, in consequence of that duty, added 2*s.* 6*d.* to the price, and the retailer made a further advance of 15 per cent., amounting to 4*s.*; so here was 6*s.* 6*d.* added after the State had taken 100 per cent. Taking the original cost of tea at 1*s.* 9*d.* per lb., it would pay a duty of 2*s.*; the importer charged a profit of 2½*d.*; and the profit of the retailer was generally at the rate of 10 per cent. Thus more than 100 per cent. was taken by the Treasury in the shape of a fiscal duty, and 35 per cent. more in consequence of that duty being levied. It appeared to him that this system was most unjust to the consumer, and that if it were better understood, it would scarcely be tolerated by those whom it caused to make such great sacrifices. He hoped that the right hon. Baronet would carry out the principles which he appeared to acknowledge, and that the results would be more generally advantageous to the community. If he did act upon the great principles of free-trade, he would promise the right hon. Baronet his cordial support.

Mr. *H. Gally Knight:* The hon. and learned Gentleman who has just sat down will perhaps think, when he sees me rise immediately after him that he is not appreciated in Nottinghamshire as he deserves to be—for, if I remember right, the last time he went down to Nottingham, to agitate for the total repeal of the Corn-laws, he and his proposition were not treated in a very courteous manner, and at this moment he may be under the impression that one of the representatives of that county is about to attack him again. But I am sure, Sir, after the speech which the learned Doctor has just delivered, I can have no disposition to show him any thing but the greatest civility—for, on the present occasion, he has spoken much more as a friend then as a foe. His speech was a beautiful struggle. He seemed to be longing to support the right hon. Baronet now at the head of the Government, and then he was dragged back by the recollection of former declarations. He approves of the general system of the right hon. Baronet, but he finds fault with some of the details—I shall take leave to advert, presently, to some of the learned Doctor's objections—but, Sir, I rose, principally, because, observing with how much vehemence, with how much animosity, the measures proposed by the right hon. Baronet are combated, hearing it asserted that some of his habitual supporters have taken the alarm, I could not bear to remain entirely silent, I could not resist my desire to express, in a very few words, the sentiments with which, as a landed proprietor, and country Gentleman, I regard the question which is now before the House. Sir, the noble Lord the Member for the City of London, would have the country believe, that the necessities of the moment are not so great as they have been represented, and that, even supposing the necessities to be great, his last year's budget would be preferable to the plan which has been brought forward by the right hon. Baronet, Sir, I am not surprised that the noble Lord should endeavour to make it believed that the necessities of the country are not so great as has been represented, because, whatever may be the amount of those necessities they are of his own creation; and, whatever taxes may be imposed, the country will never forget that they are the legacy of the last Administration. Sir, if it were not so serious a subject, I could represent to myself an amusing picture of "The Reading of the Will;" John Bull sitting by with a countenance getting more and more aghast every moment. *Imprimis.* We give and bequeath, to our beloved John Bull, a deficit of 5,000,000*l.* *Item*, we give and bequeath to the aforesaid John Bull, a war in India. *Item*, a war in China. *Item*, an unsettled boundary in America. There are a good many codicils—but these I omit—Sir, with how much pleasure, with how much gratitude, may John Bull be supposed to listen to these last proofs of the care and the consideration of his departed rulers! No pressing necessity! Why Sir, we have not only to extricate ourselves from our present financial difficulties, not only to get our affairs into order, but also to provide the means of carrying on those operations which, now, must be carried on, however much we may regret that they were ever undertaken; one of which operations has led to consequences more calamitous than can be paralelled by any preceding passage of British history. Sir, as it appears to me, the necessities are so great as to render a vigorous exertion indispensable. And how have those necessities been produced? In two ways. First, by incurring extraordinary expenses through impolitic measures—secondly, by crippling our resources at the very time that those expenses were incurred. Of the first I adduce as a proof, the two wars into which this country has been unnecessarily plunged, the long mismanagement of Canada, finally producing a rebellion which it cost a large amount of blood and treasure to put down. Of the second, I adduce as a proof the taxes which have been recklessly abandoned for the sake of a brief popularity. Sir, I remember perfectly well that when the late Administration came into office, their Chancellor of the Exchequer said, that the Tories had done so much in the way of reduction of taxes, that little more could be attempted with safety. But the house-tax became unpopular—that very house-tax which Gentlemen opposite are now so fond of recommending—and, therefore, the house-tax was to be taken off. Lord Althorp said, that he was ashamed of taking it off, because it only pressed upon those who were able to bear it—that he could ill afford to give it up—but it had become unpopular—so, go it must. Sir, I might advert to the wretched practice of stopping up the gap with loans in the time of peace—but I will pass on to their last grand operation, the Penny-post—and, Sir, I must say that, however agreeable it may be to pay less for a thing than it is worth, it was unpardonable, in the then state of our finances to give up so large a source of revenue without redeeming the pledge which the late Ministry gave of substituting another tax in its stead. Sir, no doubt it is much more pleasant to take off taxes than to impose them—but, Sir, I say that a Ministry who, by taking off taxes inconsiderately, bring a country into the difficulties in which we find ourselves, are anything but the real friends of the people; and now, Sir, the noble Lord has ventured to accuse the right hon. Baronet of courting popularity. Does the right hon. Baronet court popularity by adopting a course the very opposite to that which was pursued by the late Administration? Does he court popularity by proposing a tax which is branded, on the opposite side of the House, with every opprobrious epithet? Does he court popularity by requiring from those upon whom he depends for political existence, the sacrifice of 50 per cent. of the protection which they have, hitherto, enjoyed? Sir, the right hon. Baronet has not courted popularity; and, therefore, I honour him. He has not sought to legislate for class-interests, but for all-interests—he has not sought to please his adherents—he has sought nothing but the good of the whole community. But then the noble Lord says, if there is a necessity, take my budget of last year. Now, what was the noble Lords budget of last year? First, a revenue arising from imported corn, which could not be relied upon, for, should we happen to have the misfortune of a good harvest this year, the duty on imported corn would be small in amount, and, had the late Ministry remained in power, it would soon have been nothing, for the duty would not have been maintained. Second, an alteration in the timber-duties, not such an alteration as is now proposed by the right hon. Baronet, but such as would have been most injurious to the Canadas. Third, the admission of slave-grown sugar, to the complete destruction of the West-Indian planters, and in utter defiance of all the principles upon which the nation have been acting for years, and for the sake of which they have made so large a sacrifice. And, supposing this budget were to be adopted, and were to realise the most sanguine expectations of those who proposed it, what would it produce? Less than 2,000,000*l.*, according to the noble Lord's own showing, when more than 5,000,000*l.* are wanted—how infinitely short is that of the existing necessity! Sir, I am astonished at the noble Lord's courage in bringing his damaged and rejected goods to market again. He may try to sell his stinking fish as much as he pleases, but they will not be taken off his hands. But then, Sir, the hon. and learned Member for Bolton says, that an Income-tax is so hateful that it must not be heard of. Sir, it is very easy to give a dog a bad name, and so get him hanged. But I must remain in the opinion, that if the money must be had, it could not be raised in a less objectionable manner. In the first place it spares the working classes—no slight recommendation. But then, it is unequal. Is there any tax that is not unequal? the tax on tea for instance—tea is become almost an article of necessity in the family of the labourer—the labourer pays the same amount of tax upon tea as is paid by the landlord—and it cannot be otherwise. But the hon. and learned Member cannot bear that professions should be touched, and the profits of commercial enterprise—yet even the noble Lord, the Member for the city of London, admitted, that if you have recourse to an Income-tax, distinctions cannot be made. The hon. and learned Member for Dungarvon, the other night, appealed to our feelings with imaginary pictures of extreme cases. I must be permitted to say, in passing, that as it appears to me, there cannot be a more unfair or deceptive mode of enforcing an argument, than dressing up cases of individual hardship in glowing colours, and endeavouring to break down the rule by the help of an exception which may, or may not, occur. But where would be the justice of taxing a yeoman whose little farm brings him in 200*l.* a-year, and not taxing the physician, the lawyer, who is making his thousands a year? of taxing a country gentleman with a moderate fortune, who has no means of increasing his income, the whole of which he is expected to spend, and not taxing the merchant, the master-manufacturer, who is annually increasing his store, and is not found fault with, if he never opens his doors? But then the Income-tax is inquisitorial—but where is the danger of confiding the state of your affairs to commissioners who are sworn to secrecy? Nobody need be under apprehension, except those who intend to cheat their neighbours. As for me, Sir, it would only be to my advantage if the state of my affairs were published at Charing Cross—for it is notorious that every gentleman's income is doubled in the estimation of his neighbours—and every gentleman is expected to live up to those enormous calculations—to exercise hospitality accordingly, to subscribe accordingly, and so forth—whilst, if the exact truth were known, no more would be expected of him than he can conveniently afford. But the Income-tax is immoral; it leads to perjury. Sir, there is no surer way of making a man a rogue than letting him know that you think him one; and much more immorality will be caused by telling men you expect them to take false oaths, than would be caused by the tax itself. But, Sir, I will not entertain so base an opinion of my countrymen. I will not believe, that for the sake of escaping a tax, they will lay the sin of perjury to their souls. It would be odious indeed to legislate, upon any such supposition. I conclude, Sir, as I began, by repeating, that if the money must be had, an Income-tax is the least objectionable means. Sir, the tariff hardly forms a part of the present question; but neither is it fair, whilst we are discussing the burdens which are to be imposed, entirely to keep out of sight the relief to the commercial world, to the manufacturing classes, which the right hon. Baronet holds out by his proposed changes in the tariff. This is a part of his plan as much as the Income-tax, and the two should be considered together. Sir, I know that alarms have been excited by some of the proposed changes, and I do not pretend to say, that there are not individuals who will suffer, and that capital will not, in some instances, have to be taken out of one line, and transferred to another. No great changes—no breaking up of any monopolies—no adoption of a more liberal system can be carried out without these attendant consequences. But my belief is, that the fears of many are exaggerated, and that the community at large will derive a great advantage. I am aware that we landed proprietors shall be hit hard. First by the diminution of the protection on corn. Second by the tax on the tenantry, which eventually comes out of the pocket of the landlord. Third by the alteration of the duties on timber. His timber has hitherto been the landed proprietor's nest egg—he has hitherto had it to look to in case of any extraordinary expenditure—in case of any large agricultural improvements—perhaps his election year—perhaps a provision for a younger son. I fear he will find a great difference in this respect. I am aware we are hit hard—not so hard as some Gentlemen opposite would desire—yet, still, hard enough. But, Sir, we are content to suffer if the good of the country require it. I should indeed be sorry if mine were the only foot that was not pinched, when the country is in necessity. Neither has the right hon. Baronet ever said, that he will make no modifications. On the contrary, he has stated his willingness to listen to reasonable suggestions; and, I trust, that by those modificaions, he will effectually remove any just cause of complaint. Sir, the hon. and learned Member for Dungarvon said the other night, wait till the tax comes into operation. Sir, I am willing to meet the hon. and learned Gentleman on his own ground. I say with him, wait till the measures of the right hon. Baronet come into operation—when they are in operation, I am persuaded that many will laugh at their fears, and some will blush, such as have not lost the power of blushing, at the opposition they have offered. I would only entreat Gentlemen opposite to allow the measures to come into operation, for every day's delay aggravates the distress of the manufacturing classes, with whom they sympathise so deeply, and so properly. It is perfectly well known, that at this moment there is a complete stagnation of trade—a stagnation in the towns, a panic in the country—merchants not knowing what to undertake, and farmers dreading the arrival of thousands of fat cattle, from countries which do not breed half what they want, and never yet produced such a beast as an English farmer would take to market, and all this will go on till these questions are settled. These are the evils which are occasioned by vexatious delays, nightly interposed for mere party purposes; but the eyes of the country are open; they see who are causing these delays, and they learn to esteem them accordingly. Sir, the noble Lord, the Member for the City of London, will, I know, consider it a matter of perfect indifference in what light this, or any other question appears to one of the heads of clay. He tells us, he thinks us agriculturists composed of the same clay with the acres which we cultivate, because we did not quite relish his mode of treatment. I thank him for the comparison: but I think we should, indeed, deserve the sarcasm were we to abandon those who are willing to give us a reasonable protection, and throw ourselves into the arms of those who would give us no protection at all. Sir, I am aware that some of us will have to undergo what will not be perfectly satisfactory; and when Gentlemen use the term satisfactory, or unsatisfactory, I believe they usually mean the having more, or less, money to spend. I am aware that we shall have less money to spend upon our pleasures, and something to give to the necessities of the country; but I believe, at the same time, that her Majesty's Ministers have given the best consideration in their power to these important subjects—with far superior means of obtaining information to those which any of us possess. I am convinced of the honesty of their intentions. I cannot doubt that they have brought forward such measures as will be for the permanent good of the country. I thank them for the bold and comprehensive plan which they have brought forward, and I beg to assure them of my cordial and willing support.

Mr. *Elphinstone* said, that it was his intention to vote for the motion of the noble Lord the Member for the city of London. Many hon. Gentlemen had charged the whole of the deficiency which now existed upon the late Government: but that was not a fair way in which to look at the matter. A very considerable part of the deficiency had arisen from the compensation which was given to the proprietors of slaves in the West Indies; and also from the very beneficial alteration which had been made in postage duties, to both of which measures the House had been a party. If they were now devising a new scheme of taxation, a tax upon property—upon the realised property of the country, might be the most just they could impose; but the proposition of the right hon. Baronet was not a tax upon property, it was an Income-tax—a tax upon the hard-earned industry of the country, but if the property-tax is to be imposed, the amount obtained by that means ought to be so large; as to enable the Government to dispense with the smaller branches of revenue and make those great alterations in the tariff which the interests of commerce require. If hon. Gentlemen would look at the calculations made by Mr. M'Gregor, who was an authority upon the subject, they would find, that a tax of 4*s.* per pound upon the rental of land and house property would give a revenue of from 10,000,000*l.* to 12,000,000*l.*, a sum which would enable the Government to abolish many annoying duties upon articles of consumption, and if they, in conjunction with such a tax, were to adopt the propositions of the late Government with respect to corn, sugar, and timber, and also to place probate duties on the same footing with the legacy duty, the right hon. Baronet would have an Exchequer fully replenished for the service of the country, but the right hon. Baronet did no such thing; he proposed to keep all the existing taxes, and to raise a revenue of three or four millions only, in a most vexatious manner; the expense of collecting the Income-tax in 1816 had been upwards of a quarter of a million. The expense now would not be much less, though in 1816 the produce the tax had been nearly 16,000,000*l.* He had a decided objection to the Income-tax on account of its inquisitorial nature; nor could it, even if it was unobjectionable, ever be a just tax unless it were made on a graduated scale. In order to shew its injustice, let them suppose, that a physician making an income of 10,000*l.* were to go to an insurance-office, he would find that his income was worth no more than three years' purchase; but let a proprietor of land with an equal income go, and his income would be found worth thirty years' purchase. Still, under the plan of the right hon. Baronet, they would each have to contribute an equal share to the Income-tax. There was still another inequality which had not yet been adverted to. When the right hon. Baronet introduced his plan, it was understood that a tax of 7*d.* in the pound was to be levied on the incomes, both of the agricultural class, of the other Members of the community but on looking at the figures of the right hon. Baronet, he found that a tax of only 4½*d.* in the pound was imposed on revenue from land while the other parties had full allowance of 7*d.*—

	Income.		Tax.
Rent of land ..	£39,400,000	..	865,934
Mines, &c., ..	1,500,000	.	32,967
Tithes, ..	3,500,000	..	78,296
Profits of Tenants	38,396,000	..	150,000
	£82,796,000		£1,127,197

This was equal to a tax of 4½*d.* in the pound, but if it had been taxed on the same principle as other property, it ought to have yielded at 7*d.* in the pound, 1,833,039*l.*; a bribe equal to 700,000*l.*

so that in addition to the advantage of a bread tax, in addition to the advantage of exemption of several taxes since the war, an additional exemption of 700,000*l*., was given to the agricultural interest by this new scheme of the right hon. Baronet. Many hon. Gentlemen had praised and lauded the plan, because they said it would not press upon or interfere with the labouring classes of the population—that the measure gave them the utmost satisfaction because they would not be called upon to contribute. Those hon. Gentlemen little knew the working classes—they were too intelligent to be led away with such sophistical arguments—they were enlightened enough to know that whatever lessened the amount of capital which gave them employment would circumscribe their labour; and they well knew, that they would derive no benefit from the imposition of a tax of 50 per cent upon their food, the deficiency in revenue might easily be made up in ways less burdensome to the people—if timber and sugar duties were altered according to the plan of the late Government and if legacy and probate duties were imposed on transfer of real property, an ample revenue might be obtained for all the purposes of the State. In his opinion, the tariff of the right hon. Gentleman would, as far as it went, prove a considerable boon to the country; but he was decidedly opposed to the many differential duties which it imposed. He objected to the great boon which was to be given to the Canadas by the imposition of a merely nominal duty upon their timber, because the relief to be given to them was at the expense of the British public. The Canadas paid nothing for the army within their bounds, they contributed nothing towards the expenses of the country; they therefore were treated better than any integral part of the country. Under all the circumstances of the case, he should feel it his duty to give his vote for the amendment of the noble Lord, the Member for London.

Sir *W. James* rose, for the purpose of protesting against the excessive length to which these debates had run, because he was given to understand, that delay in these measures was fraught with the greatest possible injury to the commerce of the country. He had been informed that there was a complete panic on the London Exchange, and that many merchants and manufacturers had been obliged to stop those businesses in which they had been engaged. One gentleman had been with him who had been engaged in the manufacture of turpentine; on that article the duty was to be lowered from 4*s*. to 1*s*., the consequence was, that he was compelled to give up his business, to discharge all the labourers he had employed, and they were in a starving state. That was the case in many places throughout the country, and thousands were in a state of very great suffering, while, so far from acting, they were carrying their discussions to an enormous length. Being on his legs, he would take the liberty of saying a few words respecting the plan of the right hon. Baronet. There were few who had not admitted, that it was a bold plan; that it was comprehensive all acknowledged, and every one agreed that it was eminently calculated to attain its object, viz., that it would yield enough of revenue for the present exigencies of the country. It proceeded upon a broad and intelligible basis. The right hon. Baronet appeared to have acted like a skilful physician, who told his patient to take exercise, to use the energies of his body, and at the same time gave him strengthening medicines to enable him to do so. The very objections which had been made to the plan appeared to him a convincing proof that in its main outline it was a good measure. He had taken some trouble to look at the sentiments given utterance to at the various meetings which had been held throughout the country, and he found that although every class found fault with that part of the measure which would affect itself, no one had complained of the plan as a whole. Much had been said respecting the meetings which were to have been held in the country. If there was so much excitement in the country as hon. Gentlemen said there was, how was it that the resolution imposing the tax had been allowed to pass almost without observation? In the present state of the country, there did appear to him to be a necessity for some very stringent measure, and he had not heard any one proposed that had the least chance of passing but the Income-tax of the right hon. Baronet. It was said, and much stress was laid upon the argument, that it was a war-tax; if it was the best tax they could find, why not make use of it, whether it was a war-tax or not? But, in fact, were we not in a state of war? We had war in India, war in China, an unsettled state of affairs with America, we were far from having a good understanding with France; who could look at the unsettled state of feeling in many countries, and say, that it was not necessary for England to maintain her naval and military establishments upon the footing of a first-rate power? She was compelled to do it, unless she were content to take a lower place among nations than had ever yet been her lot. Again, it was said, that the tax would be unequal; but he would appeal to the House whether it was not much more equal than any tax upon consumable commodities. It was said that the income arising from land was always increasing, and that professional incomes did not. Now, suppose they were to have a Property-tax, what an outcry would be immediately raised, because that sinecurists and pensioners would escape—a property-tax would not touch them. A graduated scale would be liable to much objection, though he thought that some allowance ought to be made in the case of incomes arising from professions. Suppose the case of a man with 400*l.* a year arising from land, he had not the same anxiety for making a provision for his family as the professional man; but suppose the latter also had an income of 400*l.*, but out of that he paid 60*l.* 70*l.*, or 100*l.*, as an insurance upon his life: in his opinion that portion of his income ought to be exempted from taxation, That was a practical alteration which he thought might easily be effected. Again it was represented to him that much inconvenience would arise from the manner in which the schedule was lettered, and the way in which the tax was to be enforced. Suppose the case of the keeper of a seminary who might also be engaged in a shipping speculation, the latter might turn out altogether a losing concern; would it not, therefore, be unfair that he should be taxed upon the income arising from the school, which might all be swallowed up by the shipping speculation? While he was upon the subject of schoolmasters, he would instance the case of one in the neighbourhood with twenty pupils, say at 50*l.* a year each. Now, suppose he made a profit on each of from 5*l.* to 10*l.*, would it not be obviously unjust to tax him upon his gross receipts, and not upon his profit only? The plan, on the whole, was a good one. He trusted such cases as he had instanced would meet with consideration, and he would give it his warm support.

Mr. *Wallace* had never heard a speech less to the purpose than that of the hon. Baronet who had just sat down. He had referred to the details of a measure which was not yet before the House, without discussing the principle which was now under its consideration. The prosperity of those concerned in commercial pursuits depended in a great measure upon their mode of conducting business, and persons in trade were most adverse to any inquisitive examination of their affairs. He could assure the right hon. Baronet at the head of her Majesty's Government, that with reference to the measure he had proposed, that privacy would not be attained, even though the commissioners were sworn to secrecy. He might observe with regard to the course pursued by the right hon. Baronet (Sir R. Peel) that he had brought forward the budget at a very unusual season, before the close of the financial year. This was contrary to Parliamentary usage; for the financial year did not close till the 5th of April, and the right hon. Baronet had introduced his budget at least a month before that date. He objected also to the course of the right hon. Baronet, that he had brought his measures piecemeal under the consideration of the House. First, the views of Government with regard to the Corn-law were developed. Now, the Income-tax was brought forward; and the alterations proposed with regard to the tariff were yet to be considered. He complained that the right hon. Baronet was forcing his measures through the House without allowing time for the country to form and to express an opinion upon them. He remembered that, in 1833, the right hon. Baronet (Sir R. Peel) had condemned the unfairness of an Income-tax which did not equally affect the three kingdoms. On the 19th of April, 1833, the right hon. Baronet made this statement—

"He thought that the noble Lord (Lord Althorp) had done well in not proposing an income or a property-tax. Nothing but a case of extreme necessity could justify Parliament in subjecting the people of this country, in a time of peace, to the inquisitorial process which must be resorted to in order to render that impost productive; and to have recourse to such a machinery for the purpose of raising 2 or 3 per cent. would be most unwise. Such a tax was a great resource in time of necessity;

and therefore he was unwilling, by establishing the offensive inquisition with which it must be accompanied, to create such an odium against it as might render it almost impracticable to resort to it in time of extreme necessity. The application of the tax to Ireland would be attended with extreme difficulty. He really believed that this circumstance formed the main obstacle to the establishment of the tax. It hardly could be contended, that if a property-tax were established, Ireland should be exempted from its operation. He wished to see Ireland as much favoured as possible consistently with justice; but to impose a property-tax upon England and Scotland, and to exempt Ireland from its operation, would, in his opinion, however unpopular that opinion might be, be exceedingly unjust."

He considered that Scotland might as justly claim exemption from a Property-tax as Ireland; and it was his intention to take the sense of the House on that point. The right hon. Baronet, on the occasion to which he had referred proceeded:—

"In England a property-tax would be applied in the way of commutation of other existing taxes, and might thus afford material relief; but Ireland did not afford the materials for a commutation, and the property-tax in Ireland would operate as a new and additional impost. The noble Lord, had therefore, wisely abstained from agitating a question which could not be satisfactorily settled. With respect to a tax upon property as distinguished from a tax upon income, he very much doubted whether it would promote the interests of the labouring classes, because it would diminish the funds at present appropriated to the encouragement of industry and the promotion of labour and it would ultimately be found, that the tax did not affect the person who paid it so much as the labourer, by diminishing his means of employment."

He begged to ask the right hon. Baronet whether he still maintained these opinions, and whether he still thought that this impost would affect the interests of the labourer by diminishing his means of employment? He did not think the right hon. Baronet could impose a tax upon property separate from a tax upon income. He conceived the distinction would be unfair and invidious; especially while there were other taxes which might be resorted to. He objected as strongly to an Income-tax as affecting real property, as he objected to it as affecting incomes derived from manufacturing, commercial, or professional pursuits. It had been said that an Income-tax of 7*d.* in the pound was a very trifling impost; and that if during the war 10 per cent. could be raised by such a tax, 3 per cent. might now be very readily obtained by similar means. But it must be remembered, that during the war this country had the commerce of the world in its hands; and every man engaged in trade went to bed at night richer than when he rose in the morning. He thought it better to borrow more money than to impose a tax upon income, a tax which, though nominally 3 per cent. was in reality, considering the relative value of money, not much less than 5 per cent., as compared with the former period when recourse was had to this source of taxation. He expressed his hope that the right hon. Baronet would be compelled to relinquish his scheme.

Mr. *Liddell* said, although he thought the hon. Member for Hull was perfectly correct when he stated that the commercial and agricultural classes of the country were looking with much impatience to the termination of these debates, yet he thought it was impossible a measure of this great importance could pass through this House without considerable discussion and deliberation. Neither could it be expected that these debates could be brought to a premature close, when it was considered how many and how vast the interests were which would be affected by it. However reluctant he was to occupy the attention of this House to any considerable length of time, yet having heard certain opinions expressed against this proposition he felt it very possible, by correcting some of those errors which the people laboured under regarding it, to remove the delusions which prevailed at this moment regarding these measures. He hoped, therefore, that he needed no other apology in requesting the indulgence of the House upon the present occasion. The hon. Gentleman who had just sat down, in the course of his speech made at least one important admission which ought to be most satisfactory to the Government, because if it be true what the hon. Gentleman had asserted—namely, that it was not possible to impose a property-tax without including an Income-tax, this statement, if true, must tend to mitigate a portion of the opposition which had been threatened from the opposite side of the House. Many persons applied to the right hon. Baronet to remove the tax upon income, and to place it upon property. If, therefore, it be true that one could not be taken independent of the other, much of the opposition must be mitigated, if not altogether removed, against the present proposition. But though the hon. Gentleman opposite had made this admission he also made most unreasonable complaints against the measure. One of his complaints was, that the budget had been brought on before the financial year. If he were to regard this point he would be only called upon to say that such conduct upon the part of the right hon. Baronet was deserving of the highest approbation. During the interval between the right hon. Baronet's assumption of office and the period of the meeting of the present Parliament there was no end to the attacks and accusations which were made against him. On the first assembling of Parliament the right hon. Baronet was perfectly prepared to lay before the House all those measures which he considered the necessity of the country demanded, and he only waited to the time when the forms of the House would permit him to bring forward his propositions. The first proposition was the Corn-law, which was followed by the Income-tax Bill, and the revision of the tariff. It was impossible, he thought, not to concur with the request of the right hon. Baronet, who begged of hon. Gentlemen to withhold their opinions until the whole of his plans were before the House. The whole of these measures were now before the House and the country. The Corn-law had been happily disposed of in this House, and there remained the two great questions—namely, the Income-tax and the tariff—for their consideration. In strict form the Income-tax was now the only question before the House, but as the tariff was so intimately connected with this question, it was very difficult to separate them. The main question was, whether the exigencies of the country did not justify the imposition of this tax, which had now been brought forward? And here he must allude to the speech of the noble Lord the Member for London. He confessed that he had listened to some portions of the noble Lord's speech with some surprise, and to other parts of it with very great pain. It was not necessary for him to go back to the period when the Income-tax was proposed at the termination of the last century. It was not necessary for him to argue in favour of this tax in such a time of war in which the country was then involved. He only wished to allude to that period when that party who were now on the Opposition side of the House held the reins of power, in the year 1830. He wished to call the attention of the House to the time when the noble Lord the Member for London held office in the Government of the country, under the auspices of a wiser and better leader than ever that party had since; he alluded to Earl Grey, who in 1830 assumed office. The watchword with that party on taking office then was —reform, retrenchment, and peace. They had since then seen the Reform Bill carried, and however he might have objected to many portions of that bill, it nevertheless removed many of those sources of discontent to which the country was then sensible. The Reform Bill had at least given them a Government established upon a broad conservative basis, resting for their support upon the people, and not upon that oligarchy which was then termed a boroughmongering oligarchy. Let them now look at the conduct of the liberal Administration. After they had carried the Reform Bill how did they carry out their further views? Retrenchment they had certainly seen, but it was retrenchment of an opposite character to what this word was intended to convey. They had certainly effected retrenchment in the revenues, but a great augmentation of expenditure. This course of proceeding had necessarily involved their successors in great difficulty and danger; and more especially, when instead of maintaining peace (although certainly the country had not been engaged in any European war), yet they had involved it in wars as destructive, as expensive, and as protracted as any European war could possibly be. What had they seen in the regions beyond the Indus? They had suffered calamities irretrievable; because the loss of so vast a body of brave men could never be retrieved. They had seen exercised the wanton cruelty of a barbarian leader, who had violated the law of humanity as well as that of nations. They had seen a British envoy ruthlessly murdered by a barbarian who set at nought all those proceedings which should bind the honest foe, and the most dreadful carnage resulting. Transactions such as these could not remain unredressed, and something must be done. But who had brought on this war.

Was not the most experienced leader in this country opposed to it? Was it not well known that the illustrious Duke had expressed his disapprobation against this war, and predicted the calamities that had since occurred? Let them not hear from the noble Lord the Member for London that this Income-tax should not be proposed at a time of peace. They had got a war quite sufficient to justify any government from departing from a fanciful rule of this nature. The noble Lord was not content with disputing the policy of those measures, but had also thought proper to move a resolution of his own, in which he clearly called the attention of the House, and again endeavoured to conciliate the support of the country, to those measures which had so signally failed him at the late elections. The noble Lord must have drunk of the waters of oblivion to forget all that had so recently occurred. He would give the noble Lord an instance of what occurred regarding those three measures with which he had connected the late Government—namely, corn, sugar, and timber. That part of the country to which he belonged had returned eight out of ten Members to Parliament, supporters of the noble Lord and the late Government; and their opinions, he thought, might be very fairly adduced in proof of the discordance of opinions which existed with regard to his measures. When his Colleague was introduced to the county which he represented he was proposed by the hon. Member for South Durham, who spoke in approbation of the noble Lord and his general policy. But on one point he said he was compelled to record his disagreement with them, and he declared he could not support them in their measure respecting the Corn-law. When his hon. Colleague addressed the electors, he begged to be excused at all events from supporting the proposition for the alteration of the sugar duties. Two other hon. Gentlemen who sat on the other side of the House, the Members for North and South Shields, declared their intention of supporting the then existing Administration, and expressed their approbation of the propositions with respect to corn and sugar, but they distinctly declared they could not think of the proposed change in the timber duties. He almost doubted whether any one follower of the late Government gave them an entire and cordial support. The noble Lord, the Member for London, referred certainly with some degree of propriety to the language which he (Mr. Liddell) had been extremely sorry to hear uttered by some of the friends of her Majesty's Government on that (the Ministerial) side of the House, (and he alluded particularly to the language of the hon. Member for Wallingford), and the noble Lord then went on to say—

> "If the farmers have been misled and deceived, it is not I who have deceived and misled them: let them turn to those who have deceived and misled them at the late election, and then distinguish between us."

Whoever might have misled the farmer, it was not the right hon. Baronet nor any of the Members of his Government. It was quite clear to any man of ordinary sagacity and observation, that although the right hon. Baronet in his speeches on the subject of the Corn-laws, did pledge himself to the maintenance of the principle of a fluctuating duty, he held himself free to make any alteration in detail; and in the change proposed by the right hon. Baronet—a change which he (Mr. Liddell) expected—he had amply redeemed every pledge which he had given. If hon. Gentlemen connected with the agricultural interests had, on some occasions, made use of stronger language than could be justified, let them be answerable for their conduct; and let not the noble Lord throw the imputation either upon the right hon. Baronet or any other Member of the Government. Very undue alarm had been excited among the agriculturists, particularly the cattle dealers. He was aware that the dealings at the fairs and markets were almost in a state of stagnation; that many persons, in their ignorance of what was likely to happen, feared all that possibly could happen; and he believed their apprehensions had had the mischievous tendency of suspending for the present all dealings in stock. When he (Mr. Liddell) passed through York the other day, he was informed that a placard had been exhibited, announcing that contracts had been entered into for supplying the markets at York with fresh beef at the rate of 3*d.* per lb. Now, he would ask hon. Members if anything could be more visionary than an apprehension that such would be the case? He thought he should be able to show from figures, that such apprehensions had not the slightest foundation. The details which he was about to lay before the House was extracted from parliamentary returns of the revenue, population, and commerce of the United

Kingdom, and his first extract would tend to shew the extraordinary increase which had taken place in the importation from Ireland during the last ten years:—

> "In 1825, 63,524 cows and oxen were imported from Ireland; in 1835 no less than 98,158, being an increase of 34,634. In 1825 the number of sheep imported from Ireland into this country was 72,191; in 1835 it was 125,452, being an increase of 53,261. In 1825 the number of swine imported from Ireland was 65,919; in 1835, 376,191, being an increase of 310,272."

This would show, that however large the importations into this country were, the markets were more than sufficient to take them off; for, notwithstanding the importations of cattle from Ireland and Scotland, with the advantages of steam navigation, at this moment butcher's meat in London bore a higher price within a fraction than it had ever done before, for butcher's meat could not now be got in London under 8*d.* a pound. However interested he might be in the well-being of the agricultural interest, he must admit, as well with regard to them as for the interests of trade, that it was not for the interest of the agriculturist or of the manufacturer that either corn or butcher's meat should bear too high a price. He gave the right hon. Baronet infinite credit for the details of the tariff. He believed, while the right hon. Baronet had been well aware of the position in which he stood at the head of the great party who supported him, he was yet fully alive to the duties of his position in this great empire. He believed that the right hon. Baronet had devoted his best attention to the removal of those restrictions on commerce of which complaints had justly been made; and regarding the high price of provisions at the present time, the right hon. Baronet had well considered all the conflicting duties of his position, and had decided as a man of honour ought to decide. He trusted the right hon. Baronet's measures would meet with the success they deserved. Adverting once more to the supply of the London markets, it was only in the last Saturday's paper that he had seen the following paragraph:—

> "The largest importation ever made of live oxen into London from Scotland in one vessel took place on Friday afternoon in the City of Aberdeen, which had on board no less than 209 head of cattle. She also brought 100 pigs, five or six tons of beef and mutton, and 100 boxes of salmon."

He quoted this to show how large an importation this country would bear without any diminution of the price. But with regard to the apprehensions as to the large importation of cattle, he should like to ask where was that country which was to supply this large stock? If the cattle were to come from any quarter, they must come from the north of Europe bordering on the Baltic. He had looked into the exports and imports of some of those countries, and he found them, with only one exception, importing countries. Stockholm exported no cattle, but imported 1,139 horned cattle from Finland. Prussia both exported and imported to a considerable amount; but the imports of cattle were considerably larger than the exports of any year. In 1828 Prussia imported 9,545 oxen and steers, and exported 3,238; imported 6,675 cows, exported 4,293; imported 3,532 calves, exported 666; being a total of imports of oxen, cows, and calves amounting to 19,752, and of exports to 8,197, leaving an excess of imports over exports of 11,555. In 1829, oxen and steers imported 8,317, exported 2,850; cows imported 8,408, exported 4,225; calves imported 3,617; exported 896; total imports 20,342, exports 7,971; excess of imports over exports 12,371. In 1830, oxen and steers imported 7,879, exported 3,456; cows imported 6,637, exported 5,138; calves imported 3,465; exported 418; total imports 17,981; exports 9,012; excess of imports over exports 8,969. In 1831, oxen and steers imported 5,748; exported 3,435; cows imported 5,193; exported 4,185; calves imported 2,614; exported 442; total imported 13,555; exported 8,062; excess of imports over exports 5,493 The number of sheep imported and exported into and from Prussia was—

	Imported.	Exported.	Excess of Imports. over-Exports.
1828	211,390	76,464	134,926
1829	214,487	72,593	141,894
1830	214,848	88,187	126,661
1831	120,180	43,941	76,239

SWINE.

	Imported.	Exported.
1828	118,226	26,106
1829	67,983	21,693
1830	104,595	43,212
1831	33,348	33,293

From this statement, it would appear that we need have no apprehension as to Prussia, so long as her imports of cattle so much exceeded her exports. He then came to Denmark, and to the rich pastures of Holstein, of which there were the greatest apprehensions, and found that the total amount of exports in the year 1836 from Denmark to the whole world was, oxen 28,323; cows 5,009; calves 6,903; pigs 13,028. And he found, that Holland and Belgium exported none. Let any one look to the district of Holstein, from which these cattle were to be exported, and they would find that it was not by one third so large as the county of York. Let them ask themselves, then, if their apprehensions of what could be imported thence were not visionary. He much doubted whether by these means butchers' meat would be reduced 1*d.* per pound. He would not have troubled the House with these figures, but as he had long been connected with a celebrated agricultural county, he thought it of essential importance that these apprehensions and alarms of his constituents should be put an end to, and he hoped that the statement would have that effect. GOD knew her Majesty's Government were well able to vindicate their own measures, and were in possession of information which could not be obtained by any individual Member of the House; but no suspicion could be attached to his statements, and they would be the more valuable, he hoped, because they came from an unsuspected quarter. No man was more deeply linked than himself in feeling and community of property with agriculturists, and he hoped, the remarks which he had considered it his duty to make, would allay some of those apprehensions which tended so much to depress their spirits, and disturb the common course of the markets. With regard to France, the total value of live animals imported in 1837 was 537,000*l.*, the value of the exports was 422,000*l.*, showing an excess of imports over exports of 115,000*l.*; so that we need not dread any inundation of cattle from France into this country. The only part of Europe which could come into competition with our market was Holstein. Although he had not travelled into that country, he had been informed, that the farming there was carried on a most expensive scale. Their farm buildings almost rivalled those of this country in extent and cost. Now considering these things, and also that the navigation of the Elbe was closed during a great part of the year, and exposed during many months to storms so severe, that on one occasion an officer of great distinction had informed him, that during a very short voyage, seventeen horses out of twenty died, there was little reason to dread any dangerous competition from that country; and if so, no apprehension need be entertained of any other country. The hon. Member for Renfrewshire, the other night, entered into the consideration of several portions of the tariff. The hon. Member alluded to the proposed change in the timber duties, and although considerable apprehensions were felt on that point, amongst the shipowners and timber merchants, he thought the right hon. Baronet and her Majesty's Government would be satisfied with one statement which he had it in his power to make. When the late Government introduced their measure regarding timber, the whole shipping interest were in arms. The two hon. Members for North and South Shields felt compelled, in their appeal to their constituents, to say, that so far as the change in the timber duties was concerned, no power on earth should induce them to consent to it. How gratifying must be the contrast just exhibited by the shipowners of Sunderland. A large meeting was held in that place a few days ago, for the purpose of passing a vote of censure on the proposition of the right hon. Baronet. That meeting was attended by a very influential and extensive timber merchant, who proposed the first resolution, which certainly found a seconder, but he doubted whether it found another supporter; for an amendment was moved, to the effect—

> "That this meeting does not think it necessary to interfere with the proposition of the right hon. Baronet and her Majesty's Government."

And the mover and seconder went out in support of their resolution, he believed, almost alone. At the same time, he must say, that the shipping interest entertained a very strong feeling on these changes. But weighing well the difficulties belonging to the question—the great inequality of the duties existing between Baltic and Canadian timber, he was not prepared to say, that the right hon. Baronet could have taken a wiser, a better, or a safer course. There was one proposition to which he wished to call the notice of her Majesty's Government, and which stood on a very different footing. [*Cheers.*] He was perfectly prepared for that cheer. There was a very great difference beween making a change in the tariff generally, by which a reduction of the duty upon almost every article was proposed, and imposing a tax upon another article which, as far as the faith of Parliament could be pledged, was placed on a different footing some few years ago. He alluded, as the House had already anticipated, to the proposed duty on coals. There would be abundant opportunities, when this impost was under consideration, to make such observations as his duty to his constituents might demand. He had only alluded to that duty for the purpose of showing that the proposition of the right hon. Baronet did not meet his entire and undivided support. But if he differed from the right hon. Baronet with regard to coals, he could assure him that he was prepared to give sufficient and conclusive reasons for that difference of opinion. Nothing could be more fair than the principles upon which the right hon. Baronet proposed to impose that tax, but in the application of those principles, he thought the right hon. Baronet was wrong. Hon. Gentlemen ought to remember this, that a Government in proposing a great measure of this kind had to choose between two difficulties. They must either keep their measures a profound secret, or make a previous investigation and inquiry. If they adopted the latter course, and made inquiries on particular points, suspicions would be excited, and a general distrust and anxiety would be created in the public mind, which would be productive of extreme inconvenience. The balance of convenience was certainly in favour of keeping the measures entirely secret, until the proper time arrived for their full development. But when that was the case, it was scarcely possible but that some peculiarities connected with particular trades must escape their knowledge; and perhaps under such circumstances, they might see the necessity of reconsidering certain points when statements were placed before them, tending to show that such propositions were of an unfair character. In conclusion, he trusted that the remarks which he had ventured to offer to the House would be, in some degree, instrumental in removing the visionary alarm which had been created among the agricultural and some other classes.

Mr. *R. Wason* said, "sufficient for the day was the evil thereof." It would be time enough to follow the hon. Member who had just sat down in his discursive walks through the tariff, when that subject should be before the House for its consideration. At the same time he would throw out this question to those hon. Members who pursued the same line of argument —how were the hopes of the country to be realised, if the fears of the agriculturists were entirely without foundation? Although the hon. Member near him (Mr. Wallace) had said, it was impossible to make any distinction between the taxing of property and of income, he maintained that it was as possible to make them separate and distinct as it was any two taxes that might be imposed. He was so satisfied of this that, that if he stood alone in his opinion, he should not hesitate to state it. But while he could shelter himself under the opinion of a man who was one of the greatest and brightest ornaments of that House, he thought the right hon. Baronet would see reason to revise and alter his determination. He alluded to Mr. Huskisson, who had drawn a distinction between an income-tax and a property-tax. On the 18th of March, 1830, Mr. Huskisson made the following observations in that House when speaking of an income-tax:—

> "After the best consideration which he (Mr. Huskisson) had been able to give to the subject, he still entertained strong doubts whether adequate relief would be afforded without removing a larger amount of those taxes which press directly upon income arising from capital engaged in industry and upon the income to which that capital gave employment, and transferring, as far as might be indispensable, the burden upon all that class of income which arises from capital not so employed."

How was it possible for any opinion to be expressed in terms more concise than those to which he had just called the attention of the House? Would any man say, that income derived from funded or landed property bore any similarity to that derived from industry or the exercise of professional talent? Look at the difference between a man with 5,000*l.* a-year derived from lands or the funds, and a man who realised the same amount of income by his professional exertions. In the first case the individual did not require to save anything, because his lands and property in the funds would remain as a provision for his family, whereas the professional man was obliged, by insuring his life and adopting other means to provide for his family, to expend a considerable portion of the same amount of income. He had not yet heard a single sufficient reason urged in favour of the imposition of an income-tax, whereas he would engage, that if the opinion of the population could be taken upon the proposition, nineteen-twentieths would be found to be opposed to it. He did not wish or intend to treat this as a party question. On the contrary, he had cheered the right hon. Baronet the First Lord of the Treasury, when, on opening his financial statement, he had stated, that he thought the time had arrived when it was for the interest of the country that property should be called upon to bear the burdens of the State. He repeated, that he had cheered that sentiment, little thinking that while the right hon. Baronet intended to call upon the owners of property, he meant to inflict this tax upon industrial and professional income. He owned that he was surprised, on looking at the Orders of the Day in which this measure appeared, to see it always spoken of as a "property-tax," and he had been solicitous to find out how that had arisen. He had looked to the index to the Statutes, and had found that never until 1798 and 1802, had such a measure been spoken of as a property, but as an income-tax. Their forefathers knew well the difference between an income and a property-tax, and it had remained for those who had followed them to class one of the most odious, unjust, and inquisitorial imposts in the world with a tax which, of all others, was the most just. Was there such a similarity between property and income, that it would be unfair to tax the one and let the other go unscathed? The right hon. the Chancellor of the Exchequer the other night, in answer to the hon. and learned Member for Bath, had inquired whether it would be just to allow a professional man, making from 8,000*l.* to 10,000*l.* per annum, escape his contribution, when an annuitant, deriving from fixed property only 200*l.* or 300*l.* a-year, should be obliged to pay the tax. That inquiry the right hon. Gentleman had himself answered the other evening, when he showed that the question was one of justice or injustice. If he had to choose between two modes of injustice, he would prefer being guilty of neither taxing the professional man of 8,000*l.* nor the annuitant of 300*l.* a-year. Neither had the right hon. Baronet the Member for Tamworth, given any answer to the eloquent allusion made in the coure of the last night's debate by the right hon. and learned Member for Dungarvan (Mr. Sheil), to the position of a professional man. True it was, the right hon. Baronet had replied, that no country in the world would dare to tax the light and air of a poor man, and yet would not that be, said the right hon. Baronet, as great an injustice as any the right hon. and learned Gentleman (Mr. Sheil) had complained of? On the whole, he must observe, that if the owners of property would not consent to bear a greater portion of the public burdens of the country, the time might arrive, when it would be for them to consider whether they had acted wisely in not making the concession in due time. They, the owners of property, threw all the burdens upon industry; they taxed every necessary, every comfort of the industrious classes—luxuries they had none,—and now they sought to tax their tenants of 300*l.* a-year, because they would not consent to put their hands into their own pockets and pay a larger amount themselves. But whether the present proposition was an income or property-tax, it must be objectionable in the mode of collection. All indirect taxation led to inquisition; and in this case it would be an inquisition which, commencing in fraud, would lead to ruinous effects on industry, because it would expose the affairs of every man to his neighbours. He had put upon the notice-paper a series of resolutions by way of amendment, upon which, after the present question was disposed of, he should certainly take the sense of the House. He, admitted, that trade and manufactures were depressed, and the country was placed in difficulties. The right hon. Baronet called upon Parliament and the country to make an exertion to meet the emergency. He was perfectly willing to do so, but he thought the right hon. Baronet had no right to call upon income to contribute until the necessity was absolute. The actual deficiency was 2,500,000*l.* He would, by the adoption of his resolutions, give the right hon. Baronet the money. But why was it extended to 3,500,000*l.*? And why make a new experiment with the timber-duties—an experiment which he contended would continue a monopoly to one description of Canadian timber, known as finishing timber, while it would give no benefit to the consumer in respect of Baltic timber? On the whole, he contended that the present was not a time to impose an income-tax, without which it would be impossible to make any change in the timber-duties. In the resolutions of which he had given notice, he had described the character of an income-tax to be too arbitrary and inquisitorial to be borne by a nation jealous of its liberties, except on the most urgent necessity, and this definition was fortified by the opinions expressed in 1816 by Lord Folkstone (now the Earl of Radnor), and by Mr. (now Lord) Brougham. In 1816, the Commons refused to agree to the introduction of the bill, and though he could not think the same result would occur in the present instance, still he trusted there would be some amelioration in the measure. He had stated also, in his resolutions, that an income-tax had a pernicious and demoralising tendency. Could that assertion be better proved than by the fact, that in the last year in which the previous income-tax was in operation in London alone there were no less than 11,000 surcharges, that of these 3,000 were set aside, and that the other 7,000 did not appeal, because probably they thought it a less evil to submit to the imposition? He disagreed from the position of the noble Lord who had moved the amendment now under consideration, that it would be better to wait. He thought it was the duty of Parliament to protect the country and its allies in time of war; it was also its duty in time of peace to uphold the country's credit. He therefore wished for a property-tax, in order that those other imposts which now pressed upon the industry of the country might be removed. If, however, they were to have an Income-tax, he trusted the right hon. Baronet would accompany it to the fullest extent with the relief promised.

Mr. *Wynn* said, it was not because he was blind or insensible to the objections which had been urged against the present measure that he rose on the present occasion; he felt those objections: he was aware of the inequality of the tax, but he knew of no other to which stronger objections would not apply. He saw the objections, and was willing to meet them, and face them, in consequence of the difficulties of our situation. On this, indeed, he should imagine there would have been no difference of opinion in the House. The opposite side of the House, at the time of adopting the plan relative to the Post-office, which occasioned a sacrifice of revenue, had pledged themselves to find a substitute for the deficiency. The financial difficulties of the country had, notwithstanding, not been diminished; they arose from the constant course of allowing the deficiency to increase upon us, instead of meeting it at an early period—consequently depending upon what events time might bring forward to increase the existing revenue without it being necessary to resort to increased taxation. But the time was now come when we must in justice do something, unless we wished to sacrifice the credit which the country had constantly maintained, and which under every difficulty we had felt to be the first consideration. There was another circumstance to which he wished to refer. It had been said that we should resort to the budget of last year—to a fixed corn duty, which by giving us a considerable increase of revenue would enable us to meet the deficiency. He was quite ready to meet that argument, but it had been already disposed of. The last Parliament and the present were equally agreed against the measure, and the country at the last general election had confirmed that decision. It was unnecessary, therefore, to occupy the time of the House in arguing against that measure. It was also suggested that there might be a considerable increase of the assessed taxes. He was old enough to remember the time when the assessed taxes were trebled in 1798. The proposition received the most willing support from the country, notwithstanding the extreme pressure of taxation at the time—the country responded to the call, and at once consented to the measure. It was also accompanied, in consequence of the exigency of the times, by a voluntary subscription which produced not less than two millions and a half. That treble assessment, he should say, was the basis of the Income-tax, because, by its provisions, parties were exonerated from the treble assessment by the payment of one-tenth of their income. Many he knew went even beyond that, and voluntarily paid sums not less than 20 per cent. upon their income. The time also was one of considerable political excitement. He had no wish to revive angry reminiscences among the descendants of the then Opposition, but it was well known that many of the largest landed proprietors of the country were opposed to the war, and felt it inconsistent to give it any support whatever. The consequence was, that not only did these large landed proprietors some of them the largest in the kingdom, refuse to contribute to the subscription, but there were instances of evasion of the assessed taxes which created a feeling of very strong indignation throughout the rest of the country, and gave rise to a feeling that it was unequal in its operation. While one portion of the community stood forward to maintain the hono r of the country, there were others who held back. That gave rise to the Income-tax, and made it welcome to a large portion of the country; and he believed that it was owing to the feeling excited by parties having withheld their incomes, that the Income-tax was so readily adopted in the next the year at 10 per cent., in substitution for the triple assessment. After the short interval of the peace of Amiens, the tax was again re-enacted in 1803, at the rate of 5 per cent., and taking off those exemptions which had been found in many instances to lead to fraud, it being considered on the whole, better to cast the net widely and include all classes of persons. That was the effect of the measure of 1803, and in 1806 there was another enactment brought forward on the same principle by Lords Grenville and Lansdowne, again raising the Income-tax to 10 per cent. In 1806 it was felt, and justly, that those acts having been accompanied, so far as one Parliament could bind another, with a solemn pledge that they were not to be continued beyond the time of war—it was felt when peace came, that it was due to the country to repeal them, but that certainly was not the leading cause. It was mainly in consequence of a peace establishment being then proposed which was considered wholly disproportioned to the exigencies of the times, and dangerous to the spirit of the constitution. It seemed to have been proposed with the object of entrusting duties which had usually been confided to civil officers to military authorities, and the resistance to the encroachment upon the civil rights of the people by military power was the great cause of that opposition. It was felt, that in no way could the resistance be more effectual than in opposing the Income-tax. The House of Commons and the country concurred in that opposition; the Income-tax was repealed, and the consequence was, that the war establishment was considerably reduced. He used that as an argument to show why he should be sorry to see the present deficiency met by an increase of the assessed taxes. An increase of the assessed taxes must fall with still greater inequality upon trades and professions, and would press with great severity upon the man in humble circumstances with a large family dependent on him, while the wealthy bachelor would escape lightly. On that ground, he certainly felt a great objection to the increase of the assessed taxes. The hon. Gentleman opposite who had last addressed the House, had spoken of a tax upon the succession to real property; but he thought there were great difficulties attending such a measure. They all knew how such a tax could be assessed upon funded property. Every one knew that it could be retained at so much per cent on the dividends; but how were they to ascertain the value of landed property? Were they to send a Government valuer over it to ascertain the annual value per acre, and how many years' purchase it was worth? Why, such a plan would perpetuate disputes and vexatious altercations. The peculiar burdens to which land was subjected, should also be taken into account, and, indeed they had been already referred to. It would, in fact, be impossible, for the first year, to ascertain correctly the precise amount of the tax which should be laid on, or to form any estimate of its produce. He should certainly have approved more of the measure of the right hon. Baronet if it was to have been applied solely to meet the deficiency which had been created in consequence of what appeared to him to have been considerable mismanagement on the part of the late Government. Not that he did not feel the value and importance of the proposed alteration in the duties on importation; but still it was a different principle to apply a tax which should be reserved for great emergencies to such a purpose. The question was, was it absolutely necessary to raise the money, and was there no less objectionable mode of doing so? If there was not, let them not be entering into comparisons and details of the amount of difficulty, and he should be as ready as any man to meet the emergency which, although not so great as that of the last war, was yet one which must be met. He would ask, had any method been suggested of meeting the deficiency which would be more equal and less obnoxious? It had been objected to his right hon. Friend's proposition that there should have been a difference made between the incomes derived from trades and professions and those derived from landed property; but if that were done, how were similar exemptions in other cases, upon the same principle to be avoided? How were they to deal with the parties having an estate for a limited term of years or for life? How were they to deal with persons being annuitants, or with other parties similarly circumstanced. If these parties were exempted, they must exempt parties having estates for life, or where the land was going after death to some distant relative, which rendered it necessary to make some provisions for the daughters or family. He really did not see how that was to be settled; and, if these parties were exempted, they would exempt the great bulk of the landed property of the country which was under entail. With regard to the general question, he thought it better to wait until the bill was introduced. He felt as strongly as any man could, that the Income-tax was a resource which should, if possible, be kept in tact for a state of war, when the Minister might be enabled to come down and raise at once a sum of 10 per cent. Still, he trusted, before that emergency arose—before any European war took place—that the opportunity might be afforded of taking off the tax. No distrust need, in this respect, be entertained of his right hon. Friends on the Treasury benches, as there was no danger that the country (whoever might be Minister) would allow the tax to continue one year longer than it was absolutely necessary.

Mr. *Macaulay:* Since, it had been decided, upon a full consideration, that constitutional right and public convenience were to yield to the mere usage of 150 years, he, in performance of the promise he had made, and in performance of the duty he owed to his constituents, should lay before the House the substance of the petition which they had placed in his hands, and he trusted that, before long, he should be able to perform that duty in a much more regular manner; for he could not believe in the long continuance of an abuse which for the time had been supported by a majority of a single vote, without the shadow of a single reason. He should state, as concisely as if he were presenting a petition, that he had been charged with a petition from the Lord Provost, the magistrates, and the town council of the city of Edinburgh, with the statement which, in some manner or other, consistently with its rules, he was to convey to the House, that the proposed tax upon all kinds of income was calculated to cause the most palpable injustice, would operate most unfairly and most unequally, would open the door to the greatest fraud, and would render necessary the application of machinery of the most inquisitorial nature; and he had to inform the House that other resolutions had been placed in his hands, from the Chamber of Commerce of Edinburgh, strongly opposed to the proposed tax, which he was also requested to communicate to the House in some mode according with its regulations. His own opinion upon this subject agreed with that of his constituents, and it had not been shaken by the speech, to which he had paid the utmost attention, delivered by the right hon. Baronet at the close of the last sitting of that House. The real questions which, as he thought, they had to consider were, whether this were not a tax that ought to be imposed only in the greatest extremity, and whether the circumstances of the country were such as to place it at present in this very great extremity. His answer to these questions was this, that an Income-tax is a tax which nothing but the last extremity could vindicate, and that this last extremity did not exist. With regard to the first part of the proposition the right hon. Baronet had not said one word. He had not said one word intended to show that gross inequality would not exist in the collection of this tax, and not a word to show that this was not a most frightful grievance. Instead of proving that the inequality was not the most unjust part of the tax, the right hon. Gentleman had contented himself with showing that this inequality and this injustice were essential parts of every income-tax. When hon. Gentlemen on his side of the House were contending that a property-tax and an Income-tax were inseparable—when they proved that equal injustice must accompany both—as often as they exposed this injustice, so often did hon. Gentlemen opposite receive that declaration with applause. He believed that it was next to impossible to have a property-tax without an Income-tax, and he believed it was a tax which was one of the most unjustifiable that could be imposed by Parliament. He allowed that necessity might justify the adoption of an Income-tax, just as necessity in the time of war justified the impressment of men for the navy—just as, in time of war, it was justifiable to burn down a town and sacrifice, without compensation, the property of the inhabitants, because, under such circumstances, the safety of the State was the supreme law, and over-rode every other, but the inequality of the tax was so gross, it was so distinctly declared by hon. Gentlemen on the other side of the House that this inequality was such an essential part of the imposition, the evil was so great, that only in the most extreme necessity ought the House of Commons to lend itself to the imposition of such a burden. If in substance the tax were unjust, the mode of collection would not be less oppressive. The right hon. Gentleman opposite leant to the opinion of the hon. and learned Gentleman the Member for Bath—whom he did not see then in his place—when he said, "Why, if you are honest, are you afraid to state openly the amount of your property? Why is there this singular squeamishness? Poverty is no reproach, if it be not the result of a man's folly or a man's crime. I have no objection to declare to the world the amount of my income. It is a shame to say that professional income is not to be taxed in the same manner as other men's incomes." No doubt the hon. and learned Gentleman said what he felt: he honoured the sentiment; he should be sorry not to participate in it. It might be easy for a man of a philosophical turn of mind—it might be easy for the hon. and learned Gentleman, who was a member of the Legislature, who had received marks of the public confidence from large bodies of his fellow-countrymen; he might be indifferent whether he declared his fortune and made his return. It was his turn of mind—it was a desirable turn of mind, not to feel any aggrandisement if he had a fortune of 4,000*l.* a-year, and not to feel any degradation at having only 400*l.* But was that the general state of feeling among the people of this country for whom they were about to legislate. Was it a fact that the feelings of the people of this country were not against avowing their poverty? Let them look at what was taking place in the world. Was not half the life of many men a war to avoid the appearance of poverty? Were not the efforts constant to appear a little above the true state? If this were the case, it was to no purpose to say that a better and a more philosophic spirit would raise men above those false notions, and elevate their feelings. The people of this country had this feeling—whether the feeling were reasonable or not, it was not necessary to inquire. When he was in India, he was aware that there was a feeling of degradation in a woman if she should appear with her face unveiled. He knew that the feeling was unreasonable: he did not share in it, but did they not conceive that in legislating for such a people this was a feeling to which they ought to defer, and that they ought not to treat such prejudices with contempt? He would appeal against the authority of the right hon. Baronet, and against the authority of the hon. and learned Member for Bath upon this subject, to the authority of one of the greatest moral philosophers and the greatest political economist that this country ever produced, Adam Smith, who declared that a tax upon income can be raised only by means of an annual investigation of income, which was more intolerable than any tax whatever. Here the tax was in its nature unjust, and it was confessed that the mode of its collection must necessarily be most vexatious. The first question then was answered. It was a tax which ought to be resorted to only in the last extremity. Was there this extremity at the present moment? He denied it. He conceived that the right hon. Baronet, in his laboured but ineffective address when he first brought forward this tax, had not made out any such necessity. With regard to the war in Affghanistan, although the right hon. Gentleman had made a dexterous rhetorical use of the topic, what he had said appeared to him in the light of mere sophistry.

> "Did the people," said the right hon. Gentleman, "ever know of such a disaster—was there ever such a defeat as this?"

And then with great feeling, which he had no doubt was most sincere, the right hon. Gentleman added,

> "A whole army has perished; only one, or two, or three persons have escaped from this great army to bear the news of the destruction, and yet you talk of opposing this tax."

All those who knew him knew that he could speak of this destruction in no other way than as an event most painfully disastrous. There was not one feeling entertained by hon. Gentlemen on the opposite side of the House in which he did not participate. If he did not now consider that expedition with a view to the defence of the policy by which it was dictated, it was because it was not then the proper time for such a consideration: he himself bore none of the responsibility attaching to it; he was not in the country when that expedition was sent forth; he was not in office till the expedition was over —till Shah Soojah was already placed on the throne of the Affghans. Every one who read the story of that expedition—every foreigner, actuated by no hostile feelings—must feel deeply touched with its sad fate. He need not say with what feelings he must read it—he who had been on terms of the most friendly intercourse with many of honourable and most brave men, perfidiously butchered, and with the amiable and accomplished women, now at the mercy of the murderers of their husbands. No, it was a result disastrous when they talked of it in relation to the officers and the army, disastrous to the sufferers, disastrous when they thought of the feelings of the brave men now dead, utterly disastrous when they reflected on the feelings of some now living; but the House had now to deal with it as a financial question only. To introduce it into this debate for the purpose of aggravating the existing difficulties, that was what he said was making an unfair, sophistical, and rhetorical use of this great calamity. The question they had now to discuss was, only as to how this calamity bore upon the Income-tax, as it affected the pounds, shillings, and pence. Let him ask whether the right hon. Gentleman contemplated this calamity when he brought in the Income-tax? Was not his uses of it an afterthought? Yet this very event was now put in the fore-front in every discussion that took place upon the Income-tax, although, when the tax was proposed, this disastrous result was never thought of. Had the right hon. Gentleman advanced one-fourth of his Ways and Means on this account? If not, how could he call upon them for this, because his finances were greatly impaired by a disaster such as was never heard of in the history of this country? Although the House had not as yet before it the supplementary estimates, he was not without the means, as a late Secretary of War, of considering the effect which these disasters would have upon the estimate. He did not say that he could produce a correct estimate of the additional charge; it had been the ordinary course that the estimates should be brought in and voted before the Ways and Means were proposed. They had not the estimates before them, but nothing could be more futile than to institute any comparison between the charges for this war and the charges for the cheapest of the European wars, even the last. In his opinion, the Government were taking a wise and spirited course; they were doing what they ought to do. He knew nothing except what he learnt from the public prints; they were taking vigorous measures for conveying British troops to our Indian possessions, and he would give to those measures his most cordial support, as much as if he still sat on the other side of the House. No sum which was *bonâ fide* required in reference to those measures should be refused by him, nor should any burden necessary to meet those sums meet with one word of opposition. He did not anticipate that, if due prudence and vigour were shown, the damage sustained might not be repaired; but still great Mahomedan success in our Indian possessions could not fail to fall like a spark into the midst of tow. It must be felt throughout all Islam, from the states of Morocco to the coasts of Coromandel. He had no doubt that the firmness and prudence which were so necessary and so much required would be shown, because they had a Government in which was the Duke of Wellington, and which could obtain the advice of the most able military men, by whose aid every step would be taken in the most prudent and most vigorous manner. But hon. Gentlemen must consider that the rule invariably acted upon when troops were sent on an expedition to India, was to charge them on the Indian revenue. [An hon. *Member:* "What is the state of that revenue?"] Suppose the right hon. Gentleman should choose to say that he would charge these troops on British resources, what would be the charge for these reinforcements to India? What was the force which the right hon. Gentleman meant to send to India? They must wait for a reply to this question till they received the supplementary estimates; but 10,000 or 12,000 troops would be enough to meet the danger. He thought that a regiment of 1,100 men serving in India cost annually 32,000*l.*; he believed that the whole charge, therefore, for such a force as the right hon. Gentleman contemplated would be 400,000*l.* a year. He did not say that this charge should not be met, but it was not enough to take for such a charge the imposition of an Income-tax. In the year 1798 the income-tax was first imposed; England stood alone, France had crossed the Rhine and had passed the Alps, Austria stood trembling for her very existence, Ireland was in a state of revolt, the 3 per cents. were at 50, then the resolution for the Income-tax was taken. It was doubled when the whole continent of Europe lay prostrate at the feet of France, and England was loaded with expenses to which the present bore no comparison. Three hundred thousand soldiers in the army, and a hundred thousand men in our navy. The estimates for the navy were 19,000,000*l.*—more than the whole of our present army and navy combined; the estimates for the army were 19,000,000*l.* additional. When the right hon. Gentleman said that the one disaster in India was greater than those which befell us in those years, when he said it was greater than the Walcheren expedition, he was prepared to meet the right hon. Gentleman on that ground; but in a financial speech the right hon. Gentleman appeared not to have made out his case—the right hon. Gentleman appeared to be applying to a serious reverse, to a painful calamity, but which was no serious blow to the financial resources; the one remedy, the employment of which only the greatest distemper in the State could vindicate. He must say, also, that the proposition of the right hon. Gentleman was not calculated to inspire foreign countries with a just idea of the spirit and resources of England. He did not say that the calamity was not reparable, but let them see the manner in which the right hon. Gentleman's proposition—the speech to which he alluded was the right hon. Gentleman's first speech—and let them see how the right hon. Gentleman's statements were received on the continent. When he opened a French paper, he found only the largest praise of the right hon. Baronet, and of the greatness and firmness of his proposition. "It is a sign," say they, "that the English aristocracy, which has long been the envy and dread of Europe, is fast falling into its decline—a tax the most odious that could be imposed in war had been renewed in the time of peace." And they praised the minister who would consent to so bold a measure, which they looked upon as an evidence, if not of the destruction, at least of the decline, of this country. Were those the terms in which an English Minister would like to be spoken of? Were those the measures of which an English Minister would like to boast?—when it was a demonstrable fact that England was better capable of fighting for her own defence, and of maintaining a great war, than she ever was in the whole course of her existence as a nation. In contemplating the step about to be taken, he could not much wonder that politicians abroad who saw the odiousness of this tax—who knew that it had never been laid on before, except in the extreme emergency of the State—who knew that it was a tax which, as soon as peace returned, was the first to be repealed, but which they now saw us returning to—they being aware of the nature of our disasters in Affghanistan, should form an erroneous opinion with regard to the degree to which the powers and resources of this country are affected. The right hon. Baronet averred that he had said nothing so alarming at that which he had ascribed to the right hon. Baronet. He had, however, repeated what he believed to be an important truth—what he believed to be a truth which it was important to the right hon. Baronet and to the House should be repeated and made known. He could not altogether acquit the right hon. Baronet of having used the Affghan disaster in this debate, which had been altogether unforeseen, by taking hold of the feelings which were naturally excited by the extent of our military calamity, and turning that misfortune round with the skilfulness of a practised debater, in order to make it tell upon the financial question before the House. He would now say a few words upon another topic—the state of the Indian finances. The right hon. Baronet said, that there was a deficit there as well as at home, and, said the right hon. Baronet:—

> "It may become a matter of most serious consideration, whether England should not step in, in some manner, to lend some sort of assistance, either by credit or otherwise, for

the purpose of supporting the credit of the Government in India."

That was a grave and important question; and he would not say, that the view of the right hon. Baronet might not be very correct, and entitled hereafter to consideration, but that was no argument for the Income-tax, at this moment; for, surely, it was a good principle, that before they voted money, they should know precisely what the scheme was to the maintenance of which it was to be applied. Before the right hon. Baronet came to the House for money in aid of the Indian finances, surely he should inform them what he meant to do with it—when and where he meant to apply it. Therefore, he altogether put that matter out of sight in the consideration of this question, as having no concern whatever with the vote which they were called upon to grant. He believed, that he was right in saying, that since the war, exclusive of the Income-tax, 22,000,000*l.* of taxes had been taken off, and he thought that it might be taken for granted, that even a greater sum than 22,000,000*l.* would have been derived from those sources of taxation, if the same taxes had still been in existence. But that tax which had been the last to be imposed—the first to be repealed, was that to which the right hon. Baronet first had recourse for the purpose of relieving him from his difficulties. He believed, that the right hon. Baronet had other means of relief—he might have applied to sugar, an article upon which the late Government had rested considerable reliance. And upon this point, he must say, that he thought, that the memory of the right hon. Baronet had played him false. The right hon. Baronet said on Friday, unless he had misunderstood what had fallen from him, and he could scarcely have done so, that he (Sir R. Peel) had never intended to say, that the sugar scheme of the late Government would not have increased the revenue of the country—that he never dreamt of saying, that these were not taxes a reduction of which would have produced an increased revenue. His memory, he owned, had led him to a different belief, and he had since referred to the printed report of the speech of the right hon. Baronet, and that certainly confirmed him in his impression, and he believed, that he might appeal to hon. Gentlemen near him, whether the report was not a correct one. The right hon. Baronet was represented to have said:—

"There is another source of revenue without adopting the process of exhaustion, and which was brought forward by the late Government, to which I find it my duty to advert. Shall I hope for increased revenue from diminished taxation? Yes, but before I apply myself to this subject, let me remind you of the extent of your difficulties. If it be proved that these difficulties are only occasional and casual, no man can have greater confidence in the soundness of the principle of a reduction of taxation; but having given the subject my fullest and fairest consideration, I think it would be a mere delusion, under present circumstances, to hope for a supply of our deficiency from diminished taxation. As I said before, I have the firmest belief that the adoption of any such plan as that proposed by the late Government, or the adoption of any other plan for raising the necessary revenue of the country through diminished taxation, will not afford any immediate relief, or any resource on which we can count for the supplying of the deficiency of the revenue. I have looked with considerable attention to the effect produced by the remission of taxes on articles of great consumption. I find, in some cases, that elasticity which gives you, after a lapse of time, an increase of revenue; but that in almost every case—I believe in every case in which it does—the interval of time which elapses before even the same amount of revenue is received is very considerable."

He thought, that his noble Friend (Lord John Russell) had given an overwhelming answer to the argument of the right hon. Baronet, and that the right hon. Baronet might be taken to be fairly ashamed of his own words, for on Friday he did not appear to recognise them as having fallen from his lips. The right hon. Baronet on Friday, for the first time this Session, if he recollected rightly, had returned again to the cry of last year, with regard to slavery; and the right hon. Baronet had congratulated him upon his new-born zeal upon this subject; but when he knew that the proposition for merely equalising the duty upon sugar grown by the free people of India with that grown by the slave population of the West Indies, and which had met with the opposition of the right hon. Baronet when proposed by Mr. Whitmore, he could not but congratulate the right hon. Baronet on his new-formed anxiety in favour of the negroes. But without going into the argument of last year—whether or not any scruples existed with regard to slave-grown sugar or coffee—how was it possible for him, under existing circumstances, to think that the object of the right hon. Baronet was reasonable ? and he must confess that it required a strong effort of charity, to believe the right hon. Baronet to be sincere. If he were to endeavour to find some reason why a reduction of the sugar duties was not proposed as one of the means at least of meeting the existing deficiency, he thought that he could discover it in the fact that, when last year it was determined that the late Government should give way, no more convenient or more popular mode of securing that object presented itself than that which might be derived from the existing feeling in opposition to negro slavery, and therefore it was that resolutions had been submitted to the House, drawn in terms which condemned the proposition of the Government with regard to sugar, on the ground of philanthrophy. The right hon. Baronet had turned out the late Government—he had a majority which upon that or any other point would have secured the same end. An outcry was raised, which, though in truth it was but the howl of an old slave-driver, succeeded at last, and the right hon. Baronet having come into power, after the vote of last year, he felt that his hands were tied —that he could not bring on any measure which should have for its effect the reduction of those duties, which he had before opposed on moral grounds, without exposing himself to the imputation of gross inconsistency. It was in order to sustain the consistency of the right hon. Baronet that the House was called upon to adopt, and the country to submit to an Income-tax. But when the right hon. Baronet was unable to find any reasons for the Income-tax, he made them. He pitched away the timber duties at once. For his own part, he believed that throwing away the timber-duties was a greater financial misfortune than the disasters in Affghanistan. The throwing away the timber duties occasioned a loss of 600,000*l.* per annum ; he did not believe that 600,000*l.* per annum would be imposed for more than a short time, in consequence of what had taken place in India. But when the right hon. Baronet had thrown away this large branch of the public revenue of the country, he must say that he thought that instead of saying that he was imposing an Income-tax for the purpose of supplying the deficiencies of the public service it would have been more correct for him to assert that he had increased the deficit, in order that he might have an excuse for imposing the Income-tax. These were the opinions which he held ; he believed that this tax could be proved, and had been proved, to be one the imposition of which nothing but the greatest extremity could justify. He did not think that this country was in such a position of extremity ; he thought that the right hon. Baronet had exaggerated the financial difficulties of the country—that he had brought into this discussion matters which were not connected with it, which had nothing to do with it, when he formed the plan which he had brought forward ; that he had brought into it vague and mysterious hints of certain possible expenses which might be hereafter incurred, but of the nature of which he had not given the House the slightest notion ; that he had given up the obvious means by which the position of our finances might have been improved—that he had enlarged the deficit by throwing away a source of revenue which would have materially tended to relieve the country from the difficulties in which it was placed ; and under these circumstances, he should only discharge his duty by giving his vote in favour of the motion of his noble Friend.

Lord *Stanley* : I am anxious before this debate comes to a close, and more especially after the speech we have just heard from the right hon. Gentleman, to state as shortly as I can the considerations upon which I, not without reluctance, but from a full conviction of its necessity, concur in the course which has been unanimously resolved upon by her Majesty's Cabinet, as the only course—as the fitting course by which we should meet the great difficulties of the country, and endeavour to remedy those financial and other embarrassments which have been bequeathed to us as a legacy by our predecessors. And, Sir, widely as hon. Gentlemen will differ on the two sides of the House with regard to the course we shall take and the vote we shall give on the present occasion, it is satisfactory to me at least to know that much of the time of the House will be saved by a concurrence, more unanimous, or at least more general than I ever remember upon any question approaching to the present in magnitude and importance, in the premises upon which our conclusions are founded. The deficiency in the revenue is glaring, palpable, and notorious. It is admitted by the noble Lord that for a succession of years there has been a continued increasing deficiency of revenue to meet the annual expenditure of the country. The noble Lord said with truth—not the whole truth—but he stated with truth, that the deficiency of one year was 2,500,000*l*., and 2,600,000*l*. in the next year. The noble Lord went a step further, for while he and hon. Gentlemen opposite charge us with having recourse to base artifices for the purpose of creating popularity, they are ready enough to admit, now that they are no longer invested with the responsibility of proposing taxes, that the time is come when the financial embarrassments of the country must be met by a vigorous endeavour; that the time of makeshifts has passed away; that we must resort to some effectual mode for making the income equal to the expenditure, and that it is right and necessary that we should raise an amount of taxation sufficient to meet the existing deficiency. There is another admission made by hon. Gentlemen at the other side of the House, namely, that our commercial interests are labouring under a state of great depression and difficulty. On every side of the House, therefore, we have these admissions—that there is a great and growing deficiency—that that deficiency must be met—that no temporary expedient can meet it—that it is impossible you can go on raising loans, and issuing bills, and postponing the evil day—that meet it you must by taxation, and that the commerce of the country, now labouring under distress, must not be subjected to additional burdens for the purpose. These are the admissions, not made by this or that Gentleman, but by every Member on both sides of the House who has addressed himself to the consideration of the question in which we are now engaged. Another, and a valuable admission, an admission from the right hon. Gentleman the Member for Taunton, late President of the Board of Trade, was, that if we were to return to the scouted and condemned budget of last year, which the noble Lord puts forward upon the face of his resolutions, an increase of taxation in addition would be insufficient to meet the present deficiency. These are the concessions which have been made unanimously by the House, and I come now to the discussion of the question—how are these great difficulties to be met? Not to be behindhand in admissions, I must first observe that we admit that the Income-tax, except in cases of emergency, we should not be justified in resorting to. Then comes the question, is this a case of emergency? To prove that it is not, you must show me a less objectionable mode of effecting what you admit must be done, namely, equalizing the revenue and expenditure of the country. If you fail to do that, then I contend that this is a case of emergency, in which we are entitled to come down to the House and ask for this direct taxation. I say this direct taxation, because the noble Lord has so carefully worded the terms of his resolution, as to conceal under a studied ambiguity the differences of opinion which he knows to exist in the ranks of his supporters with reference to that class whom direct taxation would effect. Having mentioned those matters which are of general agreement, I think I may now allude to some of disagreement amongst hon. Members on the other side of the House. In the first place comes the hon. Member for Ipswich, who has a little scheme of his own, and who in discussing this question of emergency said, and I quite agree with him,

> "I don't talk of a time of war. Peace has its emergency as well as war. I admit you are in a condition in which direct taxation must be had recourse to."

The hon. Member fairly admits that we are at this moment in that emergency which justifies and compels an appeal to direct taxation, and he goes so far as to say that he considers a property-tax a wise, expedient, and politic measure. But the noble Lord follows him and says,—

> "If you admit the property-tax you must admit the Income-tax as well."

The noble Lord says,—

> "If you throw out the Income-tax I cannot stand up and support the property-tax. The Income-tax must go along with it."

But when they are coupled together, the noble Lord objects to them both; because, as he alleges, he sees no reason why we should have recourse to any direct taxation whatever. Then we have the hon. Member for Greenock, who also states, that in his judgment an income and property-tax must go together, that the House cannot accept one and reject the other, that if you take direct taxation you must take it upon all property, however derived, and upon all income, however obtained. I think he will be found to differ from a large portion of the hon. Gentlemen who sit upon the same side, and who are willing to tax all realized property, who don't mind what burdens they throw upon the landed and funded property of the country, but who have an especial care and respect for all property which happens to rest upon contingent and uncertain circumstances. We have also the Member for Coventry, with a little scheme of his own which he intends to submit to the House, showing what he proposes to take instead of an income or property-tax. The noble Lord calls attention to the subjects of timber and sugar; but what says the hon. Member for Coventry? The hon. Member, addressing the Government, says,—

> "You are perfectly right. I hesitate not to say that in our present relations with foreign countries you have exercised a sound judgment in not taking the question of sugar or a reduction of the duties upon foreign sugar as part of the budget which you have submitted to the House."

The hon. Gentleman tells us very frankly that such is his opinion, while the right hon. Gentleman who last addressed the House says that the loss to the revenue from the reduction of the timber duties is a greater financial disaster than the melancholy event in Affghanistan, of which I may have a word or two to say to the right hon. Gentleman presently. While such language as that is held by one hon. Member on the opposite side of the House, an hon. Member behind him, the hon. Member for Coventry, speaking of these same timber duties and this same loss to the revenue from a reduction of those duties, tells us that for the extension of commerce and the general good of the country it would be impossible to frame a measure fraught with greater advantages. This is but an example of the arguments brought forward by hon. Gentlemen on the other side of the House, who are ready enough to find fault with the means which we propose for meeting the present emergency, while they totally fail in pointing out any mode of a less objectionable nature by which that object can be attained. What are the circumstances which render it justifiable to have recourse to an Income-tax? Not certainly the emergency of war alone, but of that state of things in which there is a deficiency in the revenue as compared with the current expenditure, and which, if permitted to go on without a remedy, must injure credit and consequently damage the prosperity of the country. The noble Lord confines himself to telling us that hitherto there has been no case in which an income-tax has been resorted to unless in time of war. I don't think that that admission, on the part of the noble Lord, is one which is highly complimentary to the Government by whose wisdom and policy the finances of the country have been reduced to such a state, that at the end of a twenty years' peace we are obliged to resort to that extreme measure which has heretofore been the resource of the country in time of war. But neither can I admit that, in the present state of things, we are in the state represented by the hon. Member for Lewes—a state of profound peace. A state of profound peace! Why, look to all the relations which have been bequeathed to us by the late Administration. Look to the state of preparation for war which it is necessary to adopt, north, south, east, and west. I earnestly hope, and am sanguine enough to believe, that our existing differences with the United States of America may be brought to a happy and friendly conclusion; but, let me ask you, when before was it necessary to have 20,000 bayonets in the province of Canada? A profound peace! Look to the wars you have had in China, and tell me the amount of finances which your difficulties in that part of the globe have incurred. Tell me, if you can, the amount you have guaranteed to us for the future by your policy in China. Do not measure it by 9,000 or 10,000 armed men, or by the fleet which you have sent there. You have brought us into a war in that part of the world of which no man, and we told you so at the time, of which no man could foresee the result, but from which every man must know and foresee that there is little of glory to be reaped to the British arms, while it is a doubt whether it may not result in signal disaster and defeat. A state of profound peace! Look to India. Let the hon. Gentleman turn his eye to that portion of our Indian empire—Affghanistan—which my right hon. Friend has been charged with using as a mere sophistry and plausible argument. What! the state of Affghanistan a matter of sophistry? Why, the right hon. Gentleman was himself glad enough to disclaim personally all responsibility in in the matter. The right hon. Gentleman, who subsequently filled the situation of Secretary of War, must have had means in his official capacity of calculating the dangers and disasters we were likely to meet in that part of our Indian empire, and well and wisely did the right hon. Gentleman tell us that when that expedition was undertaken he was not in Parliament; that, so far from being in the Cabinet, so far from counselling such a war, he was not, I believe, the right hon. Gentleman said, in England, he was not, at least, a Member of the Administration until that expedition was carried to its completion. But then there was the warning of the Duke of Wellington, in the first instance. I recollect the prophetic speech with which that noble Duke told you, when you undertook that ill-fated expedition:—

> "Triumph you may; I have great confidence in the discipline and gallantry of your troops; but when you have succeeded, then will come your embarrassment."

How have you succeeded? You slept upon the top of a volcano, and awaking you find yourselves exposed to imminent danger. The right hon. Gentleman admits that it was a disaster, but that really in a financial point of view it is nothing at all, and yet that a financial point of view is the only one in which we have to look at it. Upon that low ground I meet the right hon. Gentleman, and tell him he forms a poor estimate, and a false measure, of the embarrassments which result from the miserable policy which has been pursued in relation to Affghanistan. Will the right hon. Gentleman the late President of the Board of Control agree with him? I know that that right hon. Gentleman's knowledge of India and his official connection with that department, will have taught him to estimate more truly, and I shall say, more humanely, than the right hon. Gentleman, even the financial embarrassments which must follow from the defeat our army has sustained in Affghanistan. The right hon. Gentleman (Mr. Macaulay) says, that in a financial point of view those disasters will not cost the 600,000*l.* which is thrown away by the reduction on the timber duties—that the total expense, including the fresh troops sent out, will not exceed 400,000*l.* The disasters of Affghanistan might be convenient, said the right hon. Gentleman, for the purposes of sophistry, but in a financial point of view they are contemptible, But how did he follow up that declaration? What did he say to you of the freemasonry of Islamism? What did he tell you of the religious feelings of the people—of the great Mahomedan success that could not fail to fall like a spark upon tow? And when he estimated by pounds, shillings, and pence, the loss of those brave men? [*Cries of* "Oh!"] When the right hon. Gentleman has made his calculation of the sum of money [*Loud cries of* "Oh!"] I quote from the right hon. Gentleman's own words, and I say, to those Gentlemen who cry "Oh!" that the right hon. Gentleman told us, that upon this occasion, although he admitted the disasters to be equal to the Walcheren expedition, yet he looked upon the loss as inferior on a financial point of view to that of the timber-duties; that upon the present occasion, we have only to deal with it as a financial question; and that it was one which the right hon. Gentleman proposed to measure by pounds, shillings, and pence. I say, when the right hon. Gentleman has made his calculations of his pounds, shillings, and pence, in which we are financially to measure those great disasters which have befallen the British armies in Affghanistan—that he has admitted all those frightful anticipations which must necessarily arise to any man who gives a moment's consideration to the subject; and when the right hon. Gentleman declares that this great Mahomedan success will fall like a spark upon tow, and that the freemasonry of Islamism, extending from Morocco to Coromandel, was roused in an empire which rests upon the *prestige* of opinion, who shall calculate, even in a financial point of view, the expenditure, the ruinous and extravagant expenditure, that we may be led into if we intend to support our character in India, and to renew and to maintain, against that spirit and against those feelings which the right hon. Gentleman has referred to, as well as against the recent disasters, the *prestige* of the invincibility of the British arms in that part of our dominions? Does the right hon. Gentleman suppose, in complimenting the British Government for the course they have taken, and announced it to be their intention to take, of asking supplementary estimates for the British army, that the Indian authorities have been altogether supine and asleep—that they have abundance of troops upon their establishment, or that, with a deficiency of 2,000,000*l.* of revenue it has been unnecessarily decided to raise a large addition to the Indian army, and consequently to make a large charge upon their funds? If he does, he views the matter in a very false light. But, said the right hon. Gentleman, this reference to the war in Affghanistan is all an afterthought. You knew nothing of the disasters of your troops in India at the time you agreed to impose an Income-tax. True, Sir, we did know nothing of the fate of our forces at Cabul at the time we agreed to lay a new impost tax on the people, and I admit that, ill as we thought of that unhappy and ill-fated expedition, our worst fears did not picture anything so calamitous and disastrous as the result which has occurred. But, whatever might have been the course of the late Government, her Majesty's present advisers deemed it their duty to look a little in advance. We thought it proper to calculate the probable expenditure; not to act, as I believe the hon. Member for Ipswich advised, on the principle that "sufficient for the day is the evil thereof," but to make provision for the additional expenditure which we clearly foresaw we should be called upon to meet. But, although we knew nothing of the fate of our Cabul army, it must be borne in mind that so far back as January last we knew of the state of the Indian revenue—we knew of the probable deficiency of income over expenditure in that country—we knew of the exigencies of the China service—we knew that it would be necessary to impose a new taxation upon the people; and therefore it was that, not without reluctance—not without a full sense of the objections which could be made to it, and which were sure to be urged by a party so able and talented as the present Opposition—therefore it was, I say, that after a full and deliberate consideration, we came to the unanimous conclusion that an indirect tax alone would have no chance of effectually meeting the national embarrassment, and that our best course would be to adopt a direct measure, which, whilst it met the difficulty, we hoped at the same time would afford relief to a commerce which was languishing and in difficulty. And now let me ask, what is proposed by the noble Lord who objects to our measure? The noble Lord tells you that if you do not adopt an Income-tax, or some other measure, his budget will not now be sufficient to meet the financial difficulty; at the same time the noble Lord calls upon you to go back to that budget—a budget, remember, which has been rejected, not by one, but by two Parliaments—a budget against which he charges us with raising a cry of false sympathy—a cry which, if I recollect right, he styled the howl of the old slave-driving party—he calls upon you, I say, to go back to this budget, all the items of which were condemned by the last Parliament. [Lord *J. Russell*: Only one.] Quite true; only one—that is to say, only one item—the proposed alteration, namely, in the sugar duties—was specifically considered. But the noble Lord will not deny that, when the House took that subject into consideration, they at the same time took into consideration, and dealt with, the whole budget. Nor will he deny that many hon. Members who spoke in the course of the debate on that one item, distinctly stated that they should object to the proposition, not because they opposed the scheme as a whole, but because they had especial objections to particular points, to which not consenting, they voted against the measure and rejected it. Nor let the noble Lord forget, was he without another discussion on his budget? In the present Parliament his corn scheme has been discussed. The noble Lord then had an opportunity of offering a revised and amended scheme. He found that his 8*s.* did not suit all his friends, and he then had an opportunity of making amendments to suit the peculiar demands of his party. The House also condemned that part of the noble Lord's proposition. Yet it was only three or four days after a corn bill, wholly different from his own, not in detail but in principle, had been sent up from this House to the House of Peers, that the noble Lord came down and called upon you to fall back upon his exploded project of essential revision of the tariff. But, as I said before, at the same time that he is calling on you to adopt his favourite financial scheme, the noble Lord admits that if all his propositions with regard to corn, to sugar, and to timber, were acted on, there would still be a deficiency of, I believe he said, two millions and a half. Well, how does the noble Lord propose to make this deficiency good? He tells you that he cannot separate in his mind property from income —that he does not think it would be unjust to double the present amount of the assessed taxes; and, at the same time that he very earnestly disclaims the proposition of being an enemy to agricultural interests, he tells you that he should not object to the imposition of a probate and legacy duty on real property, in addition to the burdens that sort of property already bears. Now, I do not think that my friends around me, who object to some parts of the Government proposition—who say that we are going too far, and are pressing too hard upon the interests of agriculture—I do not think that my hon. Friends, when they come to consider the noble Lord's proposition, will suffer his eloquence to persuade them that they would be better off in his hands than in the hands of the present Government. I do not think they will be made to believe that it is desirable that real property should be liable to those duties in addition to what they already bear. And, speaking of what they bear, I may remark, that the noble Lord seems to think that real property is altogether exempt from taxation. But is this the case? The right hon. Gentleman, the late Chancellor of the Exchequer does not think so, for in addition to the objections he raised on the subject the other night, in 1840, he showed to the House (I wish he had convinced the noble Lord) that landed property was charged with an amount of taxation quite equal to personal property. True it is, Sir, that there is no legacy duty on freehold land, but are there no stamps on marriage settlements — no charges. ["No, no!"] I fear those who cry "No," have overlooked these facts, or are not very conversant with the subject. I fear they are not aware that there are stamp duties on marriage settlements — that there are charges on the re-settlement of entailed estates—next, charges appertaining to mortgages—next, taxes on the auction sales of landed property; and when we talk of receiving 1,700,000*l.* from the legacy duty, and 1,600,000*l.* and more from the stamp duty on the conveyance of real property, we ought to remember, that the larger portion of the payment falls on the real property. And now, Sir, to some of the objections to the Income-tax. I do not deny, that the tax is in nature inquisitorial, although I certainly do not go the length of the hon. Gentleman, the Member for Bath, who stated the other night, that no honest man ought to fear making a full revelation of his affairs. For my own part, I can readily admit, that the inquiries necessary to the operation of the tax may be, in many cases, exceedingly inconvenient. But in the bill we propose to bring in on this subject, we make an endeavour to mitigate this evil. We propose to allow the income to be decided upon the average receipts of a term of three years, and consequently yearly profits cannot be made the subject of inquiry. But admitting the evil to exist, what do you say to the inquisition under the other systems—under the assessed taxes for example? We have had a detail from an hon. Member to-night as to the vexations attending the inquiry as to those taxes, and yet these are the taxes the noble Lord proposes to double—this is the inquisitorial system he desires to perpetuate. Then as to the inequality supposed to exist under the proposed system. This objection I certainly cannot rate so highly as I did the other. I heard some hon. Member, I forget who now, say a night or two back, "Oh, if you were going to pay off the national debt—if you were going to set the country free, we should not so much object to the imposition of an income-tax, even if its amount was 10 or 15, instead of 3 per cent." Now, I say that in my judgment that would be a gross injustice, which the present proposition is not. Remember, we are not now calling on the country to pay off past expenses—we do not ask the public to provide for the deficiencies occasioned by past occurrences, but we are calling on each man, according to his means, to contribute from his income for the year to the revenue required to meet the national expenditure of the year. We are calling upon him, whether the income of which he may be possessed is derivable from capital, whether it be derivable from a life-interest, or whether it is derivable from short annuities, to contribute to the extent which his means will reasonably afford; to pay his proportionate amount of what the exigencies of the country, under its present circumstances, require. We are calling upon every subject of the

Crown to provide, according to the extent of his resources, for the wants of the country at large; and a proposition having this for its object, so far from being unjust, so far from being unequal, so far from being oppressive, is, in my opinion, the most wise, the most just, the most equal, which could be devised, and the best calculated to relieve the finances of the country from the state of exhaustion to which they have been reduced. The other night, the right hon. and learned Gentleman, the Member for Tipperary—I beg pardon, the right hon. Member for Dungarvan—I have been so long in the habit of looking upon him as my representative, that I cannot help falling into the mistake—the right hon. Gentleman, the other night, in taunting hon. Members on this side of the House with motives for supporting the Government of my right hon. Friend, the Member for Tamworth, quoted two lines which were highly complimentary to him who was their object. They ran thus—

> "Still as you rise the state, exalted too,
> "Knows no disturbance when 'tis changed by you."

The quotation is certainly very applicable, but why did not the right hon. Gentleman go on with another part of the quotation, which would equally apply? Why did he not add—

> "Changed as the world's great scene, when without noise,
> "The rising sun night's vulgar lights destroys."

It must be highly gratifying to my right hon. Friend to hear so flattering a testimonial as to the change which has taken place from the lips of so distinguished a Member of the Opposition. Look to the force of the similitudes expressed even in the curtailed quotation. It admits, that a great change had taken place without any disturbance. There was no noise, no fuss, as there had been on previous occasions, and yet I trust it will be admitted, that much more business was done without any bustle than had been done before within a similar period. The course pursued by Government before that period was dangerous, was obscure, was uncertain. It was like the progress of men stumbling onward through night and darkness, who, if by any chance they deviated into the right track, soon turned from it again to wander away more widely. In short, it was the course of one who appeared as if he could not see under his very nose; but now it is admitted that the whole course of things has been changed. All that was dark has been made light; all that was obscure has been cleared up; all that was confused has been reduced to order. Men now see their way; they can discover the obstacles which are likely to obstruct; they have shown that these obstacles are not insurmountable; they do not stumble over every stone, and at each turn of the road find themselves puzzled by the difficulties which beset those who walk in the dark. I do not think it necessary to enter into any great length upon a vindication of the policy propounded and pursued by my right hon. Friend at the head of her Majesty's Government. Whatever unfounded alarms may be raised, or whatever general assertions may be hazarded, I do not think that the proposition of my right hon Friend requires me to vindicate it from the charge that it was brought forward because he was not ready on the one hand to confront great interests in the House, and because of his being desirous on the other hand of gaining popularity by proposing a measure which could not much affect the middle classes—a measure which, I confidently hope, this House will adopt, and which, from the manner in which it has been received, seems to have won the approbation of the country at large. The interval afforded by the Easter holidays, however anxiously looked for, and eagerly employed, has failed to produce that burst of execration which had been so fondly calculated on. The measure is one calculated in the best possible degree that circumstances will admit of, to raise commercial credit, to relieve the financial embarrassments of the country, and one of its highest recommendations, to use the words of a strong political opponent of the present Government, was, that it was "bold, honest, direct, and straightforward."

Mr. *Labouchere* said, that though accustomed to the vehemence and ability with which the noble Lord who had just concluded expressed his opinion, he regretted to say that the noble Lord did not on this occasion exhibit the fairness of argument which generally characterised his replies to a political adversary. He would not follow the noble Lord through the many glaring mistakes and misrepresentations which had occurred in the speech just delivered. There was one which he had heard with peculiar regret, and in justice—he would not say to his right hon. Friend the Member for Edinburgh—but in justice to the House, as well as to his own feelings, he felt himself imperatively called upon at once, to advert to it. The noble Lord said that the right hon. Gentleman the Member for Edinburgh had treated the disastrous event which had occurred in Affghanistan as a mere financial question, and that the right hon. Gentleman estimated the loss of our brave men in India as a matter of pounds, shillings, and pence. Now, as nothing more odious than such sentiments could be attributed to any man, so could not any thing be more unlike what had fallen from his right hon. Friend, or more foreign to his nature and disposition. The right hon. Gentleman the Member for Edinburgh was particularly careful to guard himself from any such misapprehension, and was so clear that it was impossible to mistake him. That right hon. Gentleman had deplored, as all must deplore, what had occurred, but he added that the present motion should not be discussed in reference to the results of the military course which had been pursued in India, but that it must be viewed as a purely financial question, and it was in that sense only he spoke of it. The right hon. Gentleman resisted the introduction of such topics when alleged as a reason for the imposition of a tax, and it was not worthy of the noble Lord, it was unjust to the right hon. Member for Edinburgh, so to misapply and misrepresent the argument. It was, he repeated, both unworthy and unjust, and he was sure that the noble Lord would, upon reflection, be as ready to regret the course he had pursued as any Member of the House. He could only attribute the departure from fairness on the part of the noble Lord, and the symptoms of irritation which had been exhibited in the course of the debate by gentlemen on the other side, to some grave doubts that the country was not likely to receive the proposition of the Government with that entire satisfaction which they affected to believe would be entertained. The right hon. Baronet at the head of the Government had complained on Friday that he had met with the determined resistance with which this measure had been threatened. He hoped he should ever express himself of the right hon. Baronet with the respect which his personal character and public station gave him a claim to; but when any measure of the Government appeared to him to be contrary to the interests of the public, though he would enter upon no factious opposition, he should not feel he had performed his duty if he did not resort to all the fair means and all the constitutional forms which were afforded to Members differing from the majority of offering it the most determined resistance in his power. The right hon. Baronet had entered into various statements as to the course pursued by the late Administration, and began by stating that the late Government had clung to power, supported by very small majorities, and contrasted their position with his own, supported as he was by very large majorities. Whenever he heard the right hon. Gentleman using language of that kind, he should always take the liberty of reminding him of certain passages of history which he seemed to have forgotten. It was very well for the right hon. Gentleman now to use that language, but he could recollect a Government of which the right hon. Gentleman was the leader maintaining its position in that House for some time, not only without any considerable majorities, but without any majority at all—on the contrary, indeed, with a constant minority. He believed that the late Government never reproached the right hon. Gentleman upon that occasion. He had no doubt that the right hon. Gentleman was actuated by proper motives, but he though it was a little too much for him, after pursuing that line of conduct in 1835, now that he had the happiness to have a large majority at his back, to feel so elated as to load with opprobrium a Government who for some time maintained office without that advantage. The right hon. Gentleman went on to say, that the late Government had delayed all measures of liberal, commercial, and financial policy until the period when, as he stated, they considered their dissolution as a Government inevitable. That was not correct. He must remind the right hon. Gentleman of the timber duties which were introduced by the late Whig administration. Those duties were introduced, not at a time when the Government was weak in numbers, but at their first accession to power, strong in popular favour and in Parliamentary support. One of those measures framed by that Government was accordingly proposed, but how was it received? The right hon. Gentleman, and those who acted with him, offered their determined opposition to it, and, notwithstanding the advantages the Government then possessed, the right hon. Gentleman, by joining in the interested opposition which it excited in particular quarters, managed to defeat it. After that measure had met such a reception, the late Ministers had reason to suppose that any measures they introduced would be received with a similar spirit, and it was, therefore, not surprising that they should delay such measures until it appeared that any further delay would be of the greatest injury to the country. Not warranted then in further delaying them, they, at last, submitted to the House such measures as appeared to them to be right, and staked their existence as a Government on the success or failure of those measures. He would not conceal from himself, nor did he wish to conceal from the House, though he believed the budget of his right hon. Friend of last year was a very good measure for the circumstances of that time, that in the present situation of the country the alteration of duties on articles of trade would not be sufficient, and that the Government must look to some measure of direct taxation to supply the deficiency. But there was this difference between them: What the members of the late Government had argued was this, that if the House would deal with the sugar duties and the Corn-laws in the manner they had recommended, the deficiency being then but small, they would have no excuse for resorting to an Income-tax. On that account had they contended that the necessity which the present Government alleged for the imposition of an Income-tax was a necessity of its own creating, and the House and country ought to be aware, and he believed the country were becoming more and more aware, that in reality the question was this, that if there was any necessity for the Income-tax, that tax was the price to be paid for the monopolies in corn and sugar. Hon. Gentlemen opposite might condemn an alteration of the sugar duties and the Corn-laws, but none would contend that if the measures the late Government had proposed on those subjects had been adopted it would have been necessary for the House to resort to such a measure as this. The noble Lord who had last spoken had thought proper to say it was incumbent upon those who objected to the course of the Government to state what was the course which, under the present circumstances of the country, they would recommend. He was astonished to hear that argument from the quarter whence it proceeded, because he remembered last year, when he and his late Colleagues proposed those measures which they thought expedient to meet the difficulties of the country, nothing could extract from Gentlemen opposite any opinion on the course they would adopt. If they had said, "We won't enter into a detail of the plan we should recommend; we won't play Chancellor of the Exchequer;" that would have been fair; but they said, "We will not give the slightest indication of what ought to be done, even as to principle. We think it enough to negative the measures you bring forward, and won't say whether taxes, loans, or a modification of duties is the course to be adopted." That appeared to him unworthy of the position of a Gentleman leading a great party. He did not think any hon. Gentleman in such a position was bound, when a Minister brought forward a great commercial scheme, to play the Chancellor of the Exchequer, and bring forward a counter project of finance in detail, but he ought to have stated what were his general views as to the measures to be taken in that situation of the country. The late Government could not be chargeable with following the same course. His noble Friend near him, with that frankness which belonged to him, entered into details, going, as he might almost say, to the verge of indiscretion. The right hon. Baronet went on to express great indignation at the idea of being supposed to have borrowed any of his commercial measures from his political opponents. He confessed, that instead of wasting the time of the House in unprofitable discussion as to which party had originated the commercial reforms which we were about to consider, he was much more anxious to join with the Government in securing to the country all that was really valuable in their proposals; and he rejoiced to say, that there was much that was really valuable in the commercial proposals of the right hon. Gentleman. But the right hon. Gentleman attempted to run away with the credit which did not belong to him; he now stepped in at the eleventh hour, and when he found the tide was turning, and that it was impossible to resist the practical application of those principles for which the late Government had contended, endeavoured to hold it out to the people of this country, that to him were those measures indebted for their final success. Lord Althorp's authority had been referred to as favourable to the Income-tax. But that noble Lord had always, when speaking favourably of such a tax, contemplatad the abolition of the malt-tax and house-tax, which would create a deficit of 6,000,000*l.*; and the noble Lord had expressly said,

> "It is, in my opinion, desirable, that in no situation in which the country can be placed, less than 10,000,000*l.* or 12,000,000*l.* should be raised by a property-tax."

Moreover, the noble Lord had added,

> "I believe no person having a recollection of what the old Income-tax of 1816 was, will be inclined to support such a measure again."

Undoubtedly that noble Lord had considered the theory of an Income-tax just, but he had not blinded himself to the practical evils of levying it. Nor ought the objections to be slighted which were urged against its necessarily inquisitorial character. The pride of personal liberty and private independence, which lay at the root, perhaps, of the most valuable elements in the British character, produced the dislike of the prying investigation of Government officers; and few men could deny that it was highly inexpedient to adopt such an objectionable tax, except under circumstances so pressing as to induce the country to endure any inconveniences for the sake of meeting the public exigencies. Now, as to the tariff, he wished to say a word. Uufortunately those portions met with his most decided approbation which had excited most opposition among the followers of the Government. He alluded to the measure for the importation of live stock and provisions, on which subject his views had been and were quite in conformity with the right hon. Baronet's, and he was ready to aver, that it had been his intention if he had remained in office to have dealt in a similar manner with these articles in the new tariff which he had given notice of, as well as with ores and metals. With reference to the commercial treaty which had been referred to upon a former occasion by the right hon. Baronet, he begged leave to say, that the terms which his noble Friend, the late Secretaty of State for Foreign Affairs, and himself had offered, were such as should have called forth concessions from the French Government. While they could not in any way have proved prejudicial to the interests of trade here, his firm impression was, that they would have been ultimately most beneficial to the interests of both countries. The negotiations had given way from the political difficulties which unfortunately arose between the two countries; but, both upon commercial and political grounds, he should be most happy, indeed, when, the feeling of groundless irritation having subsided in France, both countries brought their discussions to a satisfactory conclusion. He should conclude, by stating, that he opposed this tax from a deep conviction that it was not necessary. He did not mean to say, that circumstances might not arise even in times of peace when the country ought to submit to an Income-tax. But looking to the great dislike which the country had always shown to it, it was hard to call upon them to submit to its imposition, except under circumstances when there could be no doubt in the mind of any fair and rational man that the Government, which was bound to consult the feelings and wishes, as well as the interests of the people, had endeavoured by every means in its power to avoid the alternative of a tax which was so alien to their habits and distasteful to their feelings. He did not believe that such a necessity existed, and he very much feared the imposition of an Income-tax in the present state of affairs, holding out as it did a signal of distress to other countries which was altogether uncalled for, would produce an indisposition to submit to such a measure when circumstances might render it necessary.

Lord *Stanley* wished to say a few words by way of explanation. The right hon. Gentleman had, in the beginning of his speech, commented upon an expression that fell from him, with regard to which he was most anxious that no misapprehension should exist. Speaking of the recent disasters in Affghanistan, he certainly did think the right hon. Gentleman, the Member for Edinburgh, had treated the subject much too lightly. He thought that in a financial point of view the right hon. Gentleman had miscalculated its importance, and rated its amount too low; but certainly if anything he said was at all understood to attribute to that right hon. Gentleman any personal indifference to the loss of human life or want of feeling as to the extent of the disaster, in that respect he begged once for all to state, that whatever his expressions, not very nicely chosen perhaps, at the moment might seem to imply, he had no intention whatever to make any such charge.

Mr. *Macaulay* said, that in a financial point of view, the hostilities in which we were engaged had no connexion whatever with the Income-tax.

Lord *F. Egerton* rose to address the House.

Mr. *Brotherton* moved, that the House do then adjourn.

Mr. *Blewitt* moved, that Mr. Brotherton be first heard.

Mr. *Brotherton* moved, that the House do then adjourn.

Lord *F. Egerton:* then I rise to speak to that motion.

The *Speaker* said, that the noble Lord, the Member for South Lancashire, appeared to him first to have risen. If the hon. Member for Salford had first caught his eye, he should certainly have called upon that hon. Member first to address the House.

Lord *F. Egerton* said, that at that hour of the night, he could not feel himself justified in troubling the House at much length, and he should therefore abstain from any attempt to reply to the speech which the House had heard from the right hon. Gentleman who spoke last; on the contrary, he should proceed at once to that which more immediately bore on the subject under consideration. He thought that his right hon. Friend at the head of the Government had much reason to congratulate himself on the result of his financial propositions. Two petitions had been forwarded to him from towns within the district which he had the honour to represent; one of the two, that from Bury, was signed by 4,000 persons, and that from Manchester by no less than 24,000. The petitioners strenuously urged upon the House the necessity of adopting vigorous measures for the purpose of making good the deficiency which unhappily existed in the public finances, and for raising the national income to an amount sufficient to meet the national expenditure. The Manchester petitioners addressed themselves to the House in these words:—

> "That your petitioners are fully sensible of the necessity which exists in the present state of public affairs for a vigorous effort to supply the deficiency in the national income, and to equalise the revenue with the unavoidable expenditure of the country."

The petitioners then proceeded to say, that they had seen, with high satisfaction,—

> "That a plan had been submitted to your honourable House by her Majesty's Government, which appears to them to combine the above important objects with extensive relief to the industrious classes of the community, and with a beneficial relaxation of those restrictions which now impede our commercial intercouse with foreign countries, and fetter also domestic industry."

He quite concurred with those petitions, that nothing could be more injurious to public interest than delay or uncertainty as to the intentions of the executive Government, and he begged to call attention to the emphatic terms in which that very respectable portion of his constituents by whom the petition was signed called the attention of the House to this part of the subject. They said, that

> "The suspense and uncertainty caused with respect to all mercantile operations by the obstacles and delays opposed to the enactment of the valuable measures above alluded to, are highly prejudicial to the interests of commerce in general, and in particular to the interests of your petitioners, to whom a revival of trade, which they anticipate from these measures, has become a matter of the most urgent necessity."

The petitioners said most truly, that delay and uncertainty were evils for which few benefits could fully compensate. To delay the enactment of a measure like the present appeared to him to be a crime of the first magnitude, calculated, as every man could see it must be, to prolong the distress which the measure before the House was calculated to relieve. The petitioners, whose statements he had read to them, implored the House to pass the measure of the right hon. Baronet, and he confessed it appeared to him incomprehensible how hon. Members could hesitate as to its adoption, when they remembered the signal defeats which the noble Lord opposite experienced in his resistance to those measures—how frequently he had been laid prostrate and left "floating many a rood." The petitioners told the House, that they were not only satisfied with the general measures of the right hon. Baronet, but especially so with the new tariff. The petition was no hole and corner affair—it was signed by many of those who were themselves most likely to be affected by the Income-tax—by the clergy whose life incomes it was said, that the measure of the right hon. Baronet was so peculiarly calculated to affect. He wished further to observe, that the petition was signed by several individuals who theretofore had been in the habit of supporting those opinions and those political principles of which the noble Lord, the Member for London, was understood to be the representative in that House. Had the petitioners supported the view of the hon. Gentlemen opposite, of course some of them would have had the grateful task of presenting it to the House. The petition had not been in course of signature more than six days at the Exchange and two or three other places of public resort, and it was signed by the leading persons of each party. It was resolved, that it should be presented at the same time with another petition against the measure of the right hon. Baronet, and it had five to one more signatures than the rival petition. If he disagreed with the petition, he would say so at once; but he did not, and as far as it went it would go to relieve his right hon. Friend from much of that anxiety under which he was supposed to labour. The right hon. Gentleman who had just addressed the House seemed to entertain a great alarm with regard to the estimation which foreign powers might form of the present Government. Now, if there was one reason which more than another would make him heartily coucur in this petition, it was this—that it would show foreign nations, that the people of this country were so wise and patriotic, that they were ready to suffer any sacrifice to enable England to sustain its high and honourable position among the nations of the world. Indeed, this feeling was already prevalent amongst foreigners; for while hon. Gentlemen on the opposite side were locked up in that stupor which beset them before the Easter recess, the language of the editors of the Paris journals in reference to the measures then before Parliament was to this effect, that if it should so happen that they were called upon to meet Great Britain as an antagonist in arms, they would at least meet a nation worthy of their highest respect—a foe not to be despised. He believed, that not only his constituents, but the people of England generally were ready to make sacrifices to meet continued and even increasing deficiencies. His right hon. Friend would have to come before the House with a supplementary estimate, and he had no doubt, that it would be granted. He, for one, should give his assistance to his right hon. Friend in that case, as readily as he would to the noble Lord, should he return to the "bed of roses," of which he once spoke. The country would, however, consider whether the disasters which had led to those demands might not have been avoided and upon due information being received, and a careful reference to authentic documents, the country would judge who were the authors of those disasters, and visit them with appropriate condemnation. One of the reasons why he should give his vote for this measure was, that it bore the character of a vote of confidence in the present Government. Another reason was, that he believed the right hon. Baronet enjoyed the approbation of the country; and lastly, he would support the right hon. Baronet, because he enjoyed the counsel of that man who occupied one of the most glorious periods in the history of this country, and who, though age had unnerved the arm which scattered the sable bands on the plains of India, still possessed that sagacity which beamed over the field of Assaye, and was still as powerful in the direction of affairs at the time of difficulty and danger as ever it had been. He should give his full consent to any measures which might be rendered necessary to meet the present state of affairs; and he must say, notwithstanding his respect for the abilities of his right hon. Friend opposite, he could place no reliance on his calculations.

The *Speaker* put the question that the debate be adjourned.

Lord *John Russell* said, on the question of adjournment I wish to take the opportunity of remarking on two observations of the noble Lord. He says, that with reference to the petition of his constituents, any one delaying the passing of this measure, is guilty of a crime of great magnitude. I think the House should judge of the measures which are brought before it. With regard to the whole measures and the tariff, let it be recollected, that in May last these questions might have been considered. The slave-trade was then the ground stated for not acceding to them. In September a new Administration was formed, but still they were not entered upon. The House was adjourned till February, and it is not until March that they are brought forward. The responsibility must rest with those who have caused these delays. Sir, I am only responsible for asking time for the due consideration of a question which, I am firmly persuaded, will not afford to the country that relief which is promised, or which the country is led to expect. On the score, therefore, of time, I may be responsible; but I ask the House, whether this is a measure which ought to be passed without full deliberation? There is one other point with respect to which I wish to say one word. The noble Lord, the Member for

South Lancashire, said, there ought to be an inquiry in reference to the expedition to Affghanistan. Now, Sir, I beg to say, that I am as much responsible as any of my Colleagues for the policy which led to that expedition, and that neither my Colleagues nor myself have the slightest wish to avoid inquiry. Let it, however, be remembered, that at the time the late Government laid the papers relating to that expedition on the Table of this House, those papers were considered by all parties as fully sufficient to justify us in the course we pursued; and let it also be remembered, that those Members of the House who watched so vigilantly our resolutions—every measure and document brought forward in reference both to Canada and China—said not a single word with respect to the policy which induced the undertaking of the expedition to Affghanistan. If they had done so, the matter would have undergone full discussion at the time; but I do not offer this remark to impede inquiry. What I say is this, that, if we are to have this expedition made the subject matter of inquiry, all I ask is, that not only these papers, but the whole of the papers which we left after us in the office, shall be produced, in order that the House may be enabled to form a fair and impartial judgment as to the conduct of the late Government. Let us have all the papers relating to this subject, as well those which have been produced as those which we left behind us in the office; and I can only say, that my noble and right hon. Friends, as well as myself, will gladly go into any inquiry in reference to the Affghanistan expedition which may be deemed necessary. If the whole of these papers are produced, I do not hesitate to affirm that it will be found, with respect to my noble Friend, to whose mind late events must have occasioned so much pain and distress—I mean my noble Friend Lord Auckland—it will, I affirm, be found that no man could have given more attentive consideration than my noble Friend did to the affairs and policy necessary to be pursued by the Government of India. My noble Friend firmly believed that the expedition to Affghanistan was absolutely necessary for the security of our Indian empire, and I think his judgment was right: in defending myself and my Colleagues, I beg it to be understood, that we wish to identify ourselves with both Lord Auckland and his policy.

Sir *J. C. Hobhouse* hoped, from his silence, it would not be inferred that he was not prepared at the proper time to take his part in the responsibility attached to the late expedition into Affghanistan. He affirmed that the Members of the late Government, as well as himself, would not shrink from defending the policy of Lord Auckland when an opportunity was afforded for so doing. He thought that the proper time for entering into this question, would be, when the right hon. Baronet came down to the House for the supplemental estimates. He thought this course was preferable to that of mixing it with the general discussion then before the House. He should be able to establish that Lord Auckland had pursued a sound policy with regard to the Affghan expedition, and that if he had adopted any other course, he would have acted in direct opposition to the interests of that great empire.

Mr. *M. Philips* could truly say, that he had not made his opposition to the tariff or Income-tax proposed by the right hon. Baronet subservient to any factious objects. A petition had been signed and a requisition had been forwarded to him from no less than 3,100 of his constituents against the Income-tax Bill, and directing him to oppose it. But before he had received the requisition he had made up his mind to oppose the measure. He had been an advocate of a property-tax for the purpose of relieving the industry of the country from the burdens which oppress it. The Income-tax would not remove the burdens of the country, but would impose restrictions on those who were badly able to endure them. Unless, therefore, a measure of greater extent, and one more satisfactory to the public, were proposed by her Majesty's Government, he could not give them his support. If they found it necessary to have recourse to an Income-tax, they should take care that the industry and labour of the country would not be injured by it. He looked with the greatest anxiety for the settlement of this question. There was, however, nothing in the present measure that could lead to the belief that it would effect a settlement of the question upon anything like a proper or satisfactory basis. He felt he had been called on to make those observations by what had fallen from the noble Lord opposite. He would now repeat what he had often before declared, that he felt himself bound to give his conscientious opposition to this proposition of an Income-tax.

Mr. *Labouchere* said, that as the noble Lord opposite had charged them with disturbing the measures of Government, he was anxious to know from the right hon. Baronet when the amended tariff was to be laid on the Table. The right hon. Gentleman had promised that it should be laid on the Table that night, and his reason for putting the question arose from the charge of delay which the noble Lord had brought against them.

Sir *R. Peel:* Sir, I endeavour as much as possible to avoid making promises, which I do not hope to fulfil. I certainly did promise that the amended tariff should be laid on the Table to-night, and (holding up a paper) here it is. It is now gone to be printed, and I have no doubt copies of it will be in the hands of the hon. Gentlemen opposite to-morrow. I do not at all blame the noble Lord opposite for the course he has taken, and I can assure him that I am just as anxious as himself to give full and fair consideration both to the Income-tax and the tariff, and because I am confident that there really can be no wish to obstruct those measures beyond what will conduce to fair discussion. I am perfectly ready to meet the hon. Gentlemen opposite in fair terms and to discuss their propositions fully and with all due deliberation. But with a view to the revival of trade, which is now in a state of depression, owing to the uncertainty which prevails on account of the discussion, I should be glad to bring the discussion to a close with all convenient speed; that, however, I admit, is no reason for force or precipitation on the subject; and, if some limitation is observed, I can only say that I am anxious the matter should undergo full and fair discussion on both sides.

Lord *F. Egerton* in explanation, said, that he was somewhat misunderstood, for he had not made any charge that the opposition to the right hon. Baronet's measure, was the result of malignity. He did say that it was a crime of the greatest magnitude to offer factious opposition to the measures of Government. There might be a case in which a factious opposition would be a virtue, but in the present instance he should regard it as a crime and a vice. He had not made any charge against the noble Lord opposite or his Colleagues, and he did not believe that they would be participators in a merely factious opposition.

Sir *R. Peel*, in laying the amended tariff on the Table, observed, that with respect to three or four articles of no moment, the communications had not been quite complete, and therefore, he had not made any alterations in reference to those articles. They were, however, matters of no moment.

Debate adjourned.

House adjourned.

HOUSE OF LORDS,

Tuesday, April 12, 1842.

MINUTES.] BILLS. *Public.*—1$^{a.}$ Indemnity.

2^{a} Spirit Duties (Ireland); Forged Exchequer Bills.

Private.—2$^{a.}$ Bradford (York) Water Works; West Stirlingshire Roads.

Reported.—(specially) Cheltenham and Great Western Union Railway; Nottingham Gas (No. 1).

3$^{a.}$ and passed:—Windsor Bridge.

PETITIONS PRESENTED By the Earl of Devon, from Prisoners in the Fleet, against the Queen's Prison Bill.—By Lord Campbell, from Newport, Monmouthshire, against the introduction of Foreign Boots and Shoes.—By a noble Lord, from Gateshead, and Hollingforth, for the Repeal of the Corn and Provision Laws.

FORGED EXCHEQUER-BILLS.] The Duke of *Wellington*, in moving the second reading of the forged Exchequer-bills Bill, observed that it was rendered necessary by the very extensive frauds in Exchequer-bills which had been committed last year, and which appeared to have been carried on for some considerable time without discovery, though that several persons were cognizant of what was thus going on. The subject had already undergone an investigation, but that was only preliminary to a more minute and searching inquiry into each particular case, and the object of the present bill was to appoint commissioners for that purpose, and to define the powers of those commissioners. By the 5th clause of the bill they would have to

> "Inquire into the case of every owner or holder of any document purporting to be an Exchequer-bill which shall be referred to them by the Commissioners of her Majesty's Treasury, and shall from time to time report to her Majesty what they shall find concerning the manner of the issue, circulation, deposit, or possession, of every such document, and especially in what manner the owner or holders of such documents received the same, whether in exchange for other bills, and if so, in what manner such exchange was made, or whether by purchase in open market, or otherwise, and

if so, at what rate of purchase; or whether by way of deposit as securities for loans of money, and if so, at what rate of interest, and for what time such loans were made, and whether such loans were renewed, and if so, how often and for what time; and also, whether the owners or holders of such documents received the same in the usual course of business, and whether they employed any and what means of inquiry into the genuineness of such documents."

The commissioners on whom this duty would devolve were named in the bill. They were a noble Earl (Earl of Devon), a Member of their Lordships' House, and two Gentlemen (Mr. H. J. Stephen, Serjeant-at-law, and Mr. R. Mitford), who were fully competent to the task thus devolved on them. He had reason to hope that this mode of proceeding would be found satisfactory to all parties, and certainly it would not prevent any of the *bonâ fide* holders of those forged bills from coming on those from whom they received them, as had already been done in one case. He would move that the bill be read a second time.

Lord *Brougham* had no objection to the motion, but he thought there was an omission in the bill which it would be very desirable to supply—he meant a clause for the protection of any witnesses from the consequences which might otherwise follow from their evidence. He thought that where parties were liable to a penalty for a refusal to give evidence, it would be but fair to protect them from any penal consequences for having given it, and it was his intention to move a clause to that effect when the bill was in committee.

Lord *Monteagle* threw out for the consideration of the noble Duke whether it were desirable to retain an exception which the bill now contained. He did not see any possible advantage in it; bad as it might be, attended with many disadvantages, he hoped the noble Duke would consult others who had the direction of this matter as to whether it would be expedient or not to erase it from the bill. The words which he referred to were contained in the sixth clause. By that clause it was enacted that the reports of this commission should be laid before her Majesty, and ultimately before Parliament, with the exception of such parts of the evidence as the commissioners of the Treasury should deem it inexpedient to publish in consideration of the public service. He need not say, that he did not entertain any kind of suspicion that any evidence would be suppressed except that coming within the language of the clause; but he could not conceive that any evidence could be produced which would come within the character there described. The late commission was a tribunal of a totally different character, because from it might emanate future prosecution, which it might be most inexpedient to warn against by giving publicity to the proceedings. But this was merely an inquiry into the case of the holders of Exchequer-bills. He was satisfied that no inquiry would give satisfaction to the public which did not lay the fullest possible information on every part of the transaction before them. There was another matter to which he wished to call the noble Duke's attention. He did not see that the public interest would be represented before the commission in any way whatever. He did not believe that the Government could have made a better choice in selecting the members of the commission, or could have named individuals in whom the public would place more confidence; but he thought that some Crown lawyer ought to be present to sift the evidence, and place it in a proper shape before the commissioners, who could only be looked on in the light of judges.

The Duke of *Wellington* thought it might be as well to leave the discretion with the Treasury; but he should consult other parties, and give the result of his inquiry.

The *Lord Chancellor* observed, that the clause related to reports from time to time during the inquiry. It might be very essential to curtail facts during the investigation; but the question was quite different as to the ultimate publication of the whole. All that was asked was a discretion during the pending inquiry. The noble Lord was mistaken, he thought, in the character of the tribunal. They were commissioners merely to conduct the inquiry, and satisfy themselves of the facts.

Lord *Monteagle*: All he desired was, that at some time or other the whole evidence should be published.

Bill read a second time.

Adjourned.

HOUSE OF COMMONS,

Tuesday, April 12, 1842.

MINUTES.] BILLS. *Public.*—1°. Dean Forest Poor; Dean Forest Ecclesiastical Districts; St. Brianel's Small Debts.

2° Victoria Park; Knightsbridge and Kensington Openings.

Private.—2° Warwick and Leamington Union Railway; London and Croydon Railway (Grange Road Approach, No. 2); Bletchley Road; Tyne Fisheries; Bolton and Preston Railway; New Cross Roads; Piel Pier and Harbour; Mersey Conservancy.

Reported.—Glasgow, Paisley, Kilmarnock, and Ayr Railway.

PETITIONS PRESENTED. By Mr. Thesiger, from Woodstock, against the proposed Alteration of the Import Duty on Foreign Gloves.—By Mr. Hodgon Hinde, from the Chamber of Commerce at Newcastle-upon-Tyne, against the proposed Export Duty on Coals.—From North and South Shields, and from Plymouth, for the Repeal of the Stamp Duty on Attorneys Certificates.—From Lawsholl, Poolingford, Denston, Wiscoe, Bandon, and St. Ives, Cornwall, against any further Grant to Maynooth College.—From Okehampton, New Sarum, Hereford, Portsmouth, Finsbury, Tower Hamlets, and other places, against the Reduction of the Import Duty on Leather, and Boots and Shoes.—From Alves, Drainey, Birnie, Horsehcath, Isle of Thanet, Farnham, Rodwinter, Depden, Ugley, Elrington, Isle of Sheppey, and other places, against the Importation of Cattle and Meat.—From Cork, in favour of the Bonded Corn Bill.—From Drumtullagh, Culperton, Holywood, Kilbrogan, Kilmoe, Bandon, Clonduff, and other places, for the Alteration of the present system of Education (Ireland).—From the Members of the Leicestershire Agricultural Association, complaining of the proposed Alteration of the Duties on Foreign Corn, of the disproportionate nature of the Income-tax as affecting Land, and against the Importation of Foreign Cattle.—From Josiah Robins, and other persons, against the Buildings' Regulation (No. 2) Bill.—From Bandon, and Fermoy, recommending Cork as the Irish Mail Packet Station between Bristol and the South of Ireland.—From Bandon, for Amendment of the Law of Registration of Voters (Ireland).—From Halstead Union, for Alteration of the Poor-law.—From Kirkburton, for Free Trade.

CARDIGAN AND WAKEFIELD ELECTIONS.] Lord Granville Somerset reported from the General Committee of Elections the names of the members of the select committee appointed to try and determine the matter of the petition complaining of an undue election and return for the borough of Cardigan. Names of the committee read, as follow:—Sir Charles Henry Coote, Bart., Mark Blake, Esq., Earl of Leicester, William Smith O'Brien, Esq., George Dodd, Esq., Edmund Turner, Esq.; Chairman, William Goodenough Hayter, Esq.

Whereupon the names of the said seven Members were called over; and Mark Blake, Esq., not appearing within one hour after the meeting of the House, Act (4 and 5 Vic., c. 58, s. 64) read;

"Ordered, That Mark Blake, Esq., Member for the county of Mayo, having been appointed to serve as one of the members of the select committee to try and determine the matter of the petition complaining of the election and return for the borough of Cardigan, and not having attended in his place within one hour after the meeting of the House this day, being the day appointed for the swearing of the said committee, be taken into the custody of the sergeant-at-arms attending this House."

Mr. G. Bankes having made default in like manner on the Wakefield committee, of which he had been appointed a member, a similar order was made in his case.

PETITIONS AGAINST THE INCOME-TAX.] Mr. *Cowper* rose, in pursuance of notice, to present a petition from Hertford against the Income-tax. He trusted that after the expressions of opinion which had recently taken place, in two debates, relative to the reception of petitions like the present, and considering that the Government had been reduced to within one unit of a defeat on this question, the hon. Gentlemen opposite would not offer any further objection to the exercise of that which was the inherent and indisputable right of Englishmen, namely, the right of petitioning; and that they would not attempt to close the avenues of that House to the petitions of the people. He was much disappointed at the course taken by the right hon. Baronet opposite on this question; for he had reason to hope that the right hon. Baronet, since he had been at the head of the Government, was advancing towards sound and liberal opinions. It was absurd to keep up a practice when the original reason for it no longer existed, and nothing could more clearly show the inexpediency of last night's decision than the fact that he was now obliged, in order that the sentiments of his constituents might be heard, to interfere with the progress of the public business of the House. He moved that the petition be brought up.

Lord *F. Egerton* said, that in the course of the debate yesterday evening he stated his opinion on a motion analogous to that of the hon. Member for Hertford, and he should have been satisfied with merely repeating, on this occasion, the vote which he then gave; but the inconvenience of such discussions must be obvious; and although he had himself exhibited the tendency of his own opinion as to the merits of this question, yet, as it was apparent that there was a considerable difference of opinion in the House, as to the propriety of abrogating a practice which had lasted for so long a period as the one now under consideration, he thought it would be of advantage to the settlement of the question, and to the future discussions of the House, if the regulation were placed on some better footing. He would not go into the question of how it could be best settled, although his own view would be in strict consonance with the vote he gave last night; but he wished that those petitions which, by the practice of the House for some 150 years, were not allowed to be received should be accepted, and in that he concurred, he believed, with many hon. Gentlemen of authority upon this subject on the other side of the House. He wished also that they should adhere to the rule which they had for some time observed, of preventing a discussion on the reception of petitions. He would, therefore, suggest to the hon. Member who presented this petition, whether he might not avoid the discussion now by withdrawing the petition for the present, and allowing him to bring forward the question in a more substantive shape on the earliest day possible. If that were allowed, he would undertake to make such a proposition as the House would then have ample time and opportunity to consider.

Colonel *Sibthorp* would support the motion of the hon. Member for Hertford, and expressed his regret that, upon such an occasion he should feel himself called upon to give his vote in opposition to those with whom he had acted for so many years.

Lord *J. Russell* did not mean, any more than the noble Lord who had just spoken, to argue this question again; but he wished to state to the House in what position the proposition of the noble Lord left those who inclined to favour the reception of petitions. The House at the last sitting agreed by the majority of only one to reject the petitions, the number being 221 in favour of their reception. It was clear, therefore, that there was a strong opinion in the House in favour of receiving those petitions. His hon. Friend, therefore, naturally thought that, upon reconsideration, petitions of this nature might be received. The noble Lord thought that such petitions might be received if the present one was withdrawn, but the noble Lord only engaged that some proposition should be submitted to the House at some future day. He must say, that upon a question in which the issue was so clear and decided, no such proposition could be satisfactory to those who were in favour of the reception of the petitions. They all remembered that when his hon. Friend the Member for Finsbury proposed that the present practice should be discontinued, the right hon. Gentleman the First Lord of the Treasury said, he could take no other course than to give to the proposition a direct negative, and he had heard no different opinion from the right hon. Gentleman in that respect. The noble Lord said he understood there was a willingness to maintain that resolution which prevented discussion on petitions. That resolution, though a resolution of the late Parliament, was so far considered binding in the present Parliament that the Speaker, at the commencement of the present Parliament, enforced it, and when the question was raised the House adhered to that resolution and that practice. If any greater weight could be attached to that resolution by making it a standing order, or by any other means, he should not object to that course being taken, if it were proposed by the noble Lord; but, in the absence of any proposition of that kind, he could only vote on this occasion as he did on the former one—in favour of the petitions being received. He thought it better, when the debate was still going on in respect of the Income-tax, and at the moment he held in his hand two petitions on the subject, that they should not put off to some future day, after the House had divided upon the other question, the consideration of the question whether they should reject or receive petitions.

Mr. *Liddell* said, that the noble Lord the Member for South Lancashire had ended his speech without any proposition, and he therefore did not see how they should escape the difficulty if they adjourned the consideration of this question. They were called upon to support the right hon. Baronet at the head of the Government in the course he was taking—the course, he considered, he was bound to take in the circumstances of the country; and, although he agreed with the noble Lord the Member for South Lancashire, and his hon. Friend the Member for one of the ridings of Yorkshire, that they should give the people every possible liberty to lay their opinions before the House; yet, feeling that the House was so suddenly called upon to abrogate a custom which had prevailed for 150 years, he must say that they took a very narrow view of the question. The question was, yesterday, put on a much fairer ground, when it was stated to be a remnant of the protection of the Crown—a protection to the Crown through this House—so that the passing of a tax might not be obstructed by the presentation of petitions, which, as Mr. Hatsell remarked, would, on such a subject, be sent in from every part of the kingdom. He knew not whether the change of circumstances which had placed the noble Lord on the other side of the House might not have had some effect on his opinion on this question. From the course taken by the noble Lord when the question of privilege was anxiously debated, he doubted very much whether the noble Lord, if this question had been brought forward last year, when the noble Lord was in the position now occupied by the right hon. Baronet, would have adopted the course which he now proposed.

"——— Credat Judæus Apella,
"Non ego ———."

[" Divide."] He was as anxious as hon. Gentlemen for a division; but if they divided now, and the question were again renewed, he asked what possible advantage could occur by attempting to cut short the discussion by calling for a division. He might trouble the House with reading long extracts from Mr. Hatsell's work, but if hon. Gentlemen would consider the question as it was then stated, he thought they would see that sufficient grounds were there given why they should not suddenly determine to depart from a practice which had been so long observed. This was not a question between the Government and the Opposition. It was for the convenience of the House, and it was for the House to consider whether for that purpose they would adhere to this rule. The Government should consider the reasons why the rule was not established: they were the guardians of the rights of the Crown, and the rule was considered essential to their protection: and although it might tend to their popularity if they took an opposite course, still they were bound to vote in opposition to the motion. He thought, therefore, that this much might be asked—that no sudden determination should be come to; that the question might not be decided on the mere semblance of a division with regard to a particular tax, but that it should be considered with reference to the future convenience of the House. On those grounds he voted against the motion of the hon. Gentleman opposite last night, and upon the same grounds he should vote in the same way on this occasion.

Lord *F. Egerton* was not ready to state the distinct terms of his motion, but he was quite ready to give notice that he would bring forward a motion on the subject on the earliest day that suited the convenience of the House.

Mr. *T. Duncombe* said, there were only two ways of getting out of the present difficulty; the one was for the House at once to receive the petition, the other was for her Majesty's Ministers to come down with a Standing Order, and pass that Order to the effect that no petition against a tax should be received. That, as he had said yesterday, was the proper way, considering the views of the right hon. Baronet opposite, of dealing with the subject. But what did the noble Lord, the Member for Lancashire (Lord F. Egerton) propose? He proposed, that this petition should be withdrawn, and he would see, in the course of a few days, whether he could not make a sort of feather bed, for her Majesty's Ministers to fall gently down upon—whether he could not devise some course by which her Majesty's Ministers might escape the difficulty in which they had placed themselves, and thus escape the mortification of a defeat. He, and the Gentlemen on his side of the House, were not prepared, in the slightest degree, to compromise the principle at issue. They had placed before the House and the country, the grounds which induced them to think, that the people had a right to address that House by petition on the subject of taxation, as upon all other measures under the consideration of Parliament. He maintained, that as the guardians of the public purse, and as the representatives of the people, they were bound to entertain those petitions, and that the people were entitled to advise them as to the disposal of their own money in the same way as any proprietor of an estate, had a right to direct his steward in the application of his rent. That was his case; and until they were prepared to controvert that position, it was no use to come down and talk about a practice of 150 years. Such arguments might have done remarkably well in the days of Gatton and Old Sarum, but they would not do at the present day. Public opinion was against the course, that the Ministers were pursuing; the press was against them, common sense was against them, and justice was against them. Of what use was it, then, for the noble Lord, the Member for Lancashire, to propose delay? The noble Lord had voted last night for receiving the petition presented by him, and the noble Lord, he trusted, would vote in a similar way now. At all events, he hoped his hon. Friend, the Member for Hertford, would not compromise the interests of those who had charged him with their petition, but would take the sense of the House on the motion he had made.

Sir *Robert Peel:* I assure the hon. Gentleman I am not acting under the apprehension of any fall whatever, nor do I want any feather bed. I have done that which I believed to be the duty I owed to the Crown. I believed it to be my duty to maintain the practice which I found had been established for 150 years, not because it had prevailed for 150 years, but because the repeated proofs of the inconvenience of a departure from the rule had gradually confirmed the advantages of that course which was originally adopted. I thought it my duty to maintain the rule because I saw that the service of the Crown and of the country might be most materially prejudiced, and the necessary supplies might be impeded by the joint operation of the practice of presenting petitions against taxes for the service of the year, and debating those petitions; and I now hold the opinion, that if the House sanction that practice, if petitions may be received against taxes for the current service of the year, and those petitions may be debated, controlled only as to length by the discretion of individuals, then you are establishing a rule from which great public inconvenience will arise. I, therefore, opposed the relaxation of the rule, and the House having decided, by a majority of thirty-one, that they would not depart from it, that common sense, upon which the hon. Member opposite laid so much stress, dictated to me that when it was proposed to present a petition on the following day, I should act upon that rule. That is the position, therefore, in which we stand. I perfectly admit, and I wish explicitly to state, that I do not think a rule of this kind, not having the force of a law or of a standing order, can be maintained unless there is a very strong opinion predominant in its favour. I feel that the narrow majority of last night evinces that there is no general feeling in favour of the general maintenance of the usage. That opinion does not alter my own; but, at the same time, feeling what I have just stated, and feeling that upon the right which any hon. Member possesses, of perpetually presenting petitions for reception, as I have no power—in consistency with the performance of other duties—nor, perhaps, have many other Members the power of coming down constantly at four o'clock to oppose such reception, it is probable that at some time the hon. Members opposite might succeed. I am willing to admit all this. At the same time, there is a duty which we owe to the House of Commons. Therefore, though it is desirable that we should not leave the door open for future discussion, which would be a great consumption of public time, and a great hindrance of public business, and not very creditable to us, yet I think the decision of the House ought to appear upon its records in a clear and intelligible manner. And not at all departing from my opinions upon the question—if there be a determination to uphold the other regulation against perpetual debating on petitions, I think, provided there be some mode of rendering our decision clear and intelligible on our records, it is perfectly open to me to desist from further opposition to the claim set up, not hesitating to avow at the same time that I do so in deference only to the feeling so widely pervading the House. I, therefore, think, the proposition is reasonable for a few days' delay, in order to devise means for settling the subject on a satisfactory footing. The withdrawal of the hon. Member's motion seems a proper course. If, however, the hon. Member resist this proposal, I shall give my vote against him, and I hope that all who voted in favour of the presentation of the petitions yesterday, under the impression that nothing was to be done towards it, will to-night support me in obtaining a short interval of reasonable delay. I assure the House I am far more anxious (and am desirous that they should be) about the precedent we may set for future practice, than for the immediate result of the change. I doubt not if public meetings are invited, public meetings will take place. I doubt not that they will be real public meetings, not hole-and-corner meetings; and I, therefore, hope, that all those who object to the extension of the assessed taxes, or to the increase of the house taxes, or to the re-imposition of taxes on articles of common consumption. All those who, having incomes under 150*l.* a-year will not be affected by my tax, and all those who think that the alterations to be effected by my tariff will be of benefit to them, will attend at these public meetings, and will take the opportunity of expressing their opinions on the subject.

Viscount *Howick* said, the right hon. Gentleman had come to a perfectly just conclusion as to the necessity for a general support in order to sustain any regulation of the House. The right hon. Gentleman also acted quite fairly in offering the concession which he had expressed his readiness to make to the feeling of the House. Further than this, the right hon. Baronet had been perfectly just in calling on them to take care that their decision was entered on the journals in a clear and intelligible manner. But when the right hon. Baronet asked for a withdrawal of the petition in order to a delay of some days, he could not concur with the right hon. Baronet, for there had not been anything sufficiently definite in the statement of the noble Lord; and if the question were to be settled (as it was best that it should be) by a resolution of the House, considering the right hon. Baronet's position in the House, perhaps he himself would be the most fitting person to undertake the proposition of this resolution; were he to give this undertaking, the withdrawal of the petition might be agreed to.

Sir *R. Peel:* Undoubtedly, Sir, there are many occasions on which the person who stands in my position—the leader (as he is rather unparliamentarily, perhaps, called) of the House—should take a certain course of proceeding; but I think there are others on which it would be rather hard to commit to such an individual the duty of proposing—as in this instance, for example—a measure to which he is sincerely opposed. I am perfectly ready to declare my intention of relinquishing the opposition I have hitherto given. Could not a committee be appointed on the subject.

Mr. *C. Bruce* said, he had intended last night (had he been able to catch the Speaker's eye) to propose the course just suggested by the right hon. Baronet.

Lord *J. Russell* said, it might be for the advantage of the House, that the right hon. Gentleman in the Chair should state the difference between a resolution of the House and a standing order to the same effect.

The *Speaker:* The distinction between a resolution and a standing order is this—that the resolution is binding only throughout the present Parliament; and, therefore, during the present Session, it cannot be questioned, though it may be during any other Session of Parliament; but a standing order is binding not only on this present Parliament, but on all future Parliaments.

Lord *Mahon*, as one of the Members for the place whence this petition proceeded, and also as one of the minority last evening, wished to address a few observations to the House. He had voted in that minority not from any doubt as to the propriety of the Income-tax itself, not from any apprehension of any feeling against it out of doors, but because in his opinion it was not merely a long-standing precedent, it required some strong and stringent reason to justify them in refusing the petitions of the people. Such a reason was in the first instance supplied by the rule which permitted a discussion to be raised on each separate petition, and therefore enabled any factious man or knot of men, to obstruct the passing of even the most just and needful impost. But the instant that licence was abrogated, that instant the reason and the justification for excluding petitions against imposts ceased also, on these grounds he (Lord Mahon) had felt himself compelled on a former evening to vote against his right hon. Friend at the head of the Government, and however painful the duty, if this question were not adjusted, he would not shrink from thus voting again. But there was now a fair prospect of adjusting it. His noble Friend the Member for South Lancashire had given notice that he would move resolutions upon this subject on Thursday next. Under these circumstances the aspect of the question was changed, and he (Lord Mahon) much wished and recommended that his hon. Colleague, should accede to the suggestion of his right hon. Friend, as to the withdrawal of the petition for a few days; until after the resolutions had been proposed and discussed. His noble Friend had not indeed been as explicit as might have been desired as to the nature of the resolution which he intended to bring forward. But at least he had stated thus much, that they would be in conformity with his noble Friend's vote the other evening for the reception of petitions. Now, then, it was surely no very extraordinary stretch of confidence for the House to suppose that the resolutions would go to authorise and establish for the future the claim, in support of which he (Lord Mahon) had voted, for the reception of such petitions, and along with which the necessary securities could be established against a relapse into the old system of debating on petitions. He therefore strongly urged that the petition now before the House should be withdrawn by his hon. colleague. [" No, no," *from the Opposition Benches*] Well, then, if his hon. Colleagues or those around him would not consent to the withdrawal of the petition with this view, he (Lord Mahon) should move the adjournment of the debate till Friday, or the day after the resolutions of his noble Friend should have been discussed.

Lord *F. Egerton* begged to read his notice of the resolution he meant to propose—

> "It would be first confirmatory of the practice of the House as laid down by the Speaker, in 1839, with respect to the reception of petitions; and (secondly) permitting the presentation of petitions against taxes imposed for the services of the year; also (thirdly), that such resolutions be made standing orders."

Viscount *Palmerston* would recommend his hon. Friend the Member for Hertford, to accede to the adjournment of the debate till after those resolutions should have been discussed, provided the right hon. Baronet would give his assurance of support.

Sir *R. Peel:* The noble Lord assumes, I am acting in concert with my noble Friend as to the proposition of his resolutions. That is not the case; and, therefore, without seeing the resolutions themselves, I surely cannot be expected to commit myself by a promise of future support. This, however, I will say, that I am quite prepared to give a general adherence to the resolutions. I reserve myself on one point expressly—as to its being made a standing order that such petitions should be received. The hon. Member for Finsbury's original proposal it would be remembered was for the suspension, not the abolition, of the existing practice.

Mr. *Wakley* regretted that the proposition of the right hon. Baronet should have been at all sanctioned on that (the Opposition) side of the House. The right of petitioning was of no consequence so long as the practice of debating on petitions was restrained. The emancipation of the West-Indian slaves was an object accomplished through the agency of petitions addressed to that House, and by means of the debates consequent upon those petitions. By the same means, and by debating on petitions, the question of Catholic emancipation was also carried. Now, if petitions on the subject of the Income-tax were to be presented, and made subject to the old rule, it was clear that such petitions would be presented to the House, and would, according to the recent practice, be disregarded. On that ground, he was opposed to anything in the shape of compromise. He conceived, that those who were favourable to the unrestrained practice of petitioning could accomplish the object which they had in view without making any compromise whatever; they wanted no new regulation still more odious and objectionable than the existing practice; why should they have such a thing without a necessity? Let hon. Members only remember what they had gained by debating on petitions, and were they now to fall into the gross error of becoming willing parties to gagging themselves? He was unable to conceive anything more reasonable than the petition presented by the hon. Member for Hertford; nor could he conceive anything more repugnant to the most obvious principles of justice than an attempt to deprive the people of their right to give free expression to their opinions. He decidedly objected to entering into a compromise on a subject so important. He thought that they had much better take the division on the question now before them, and leave to the Government the responsibility of adopting whatever course they might think proper upon the subject.

Sir *G. Grey* said, that nothing had been said on either side which amounted to a compromise. The resolution of the House regarding debating on petitions was now in full force. As he understood the proposition of the noble Lord, the Member for South Lancashire, it would only go to reiterate that resolution which now regulated the practice of the House. The practice of the House be altered by the adoption of the resolution which the noble Lord intended to propose. The supporters of the right of petition would, therefore, lose nothing by agreeing to the proposition of the noble Lord, and on that ground he thought that it would be keeping up discussion unnecessarily if they were to reject the concession offered and were not to avail themselves of the opportunity to throw open their doors to the reception of petitions. They were not entitled to delay the exercise for a moment of that right upon any such ground as that stated by the last speaker.

Mr. *Wallace* was of opinion that if they did not then go to a division, an important occasion would be lost for promoting the public interest. For his part, he was resolved, in the next Session of Parliament, to move that the resolution which prevented debating upon petitions, should be rescinded. He was decidedly favourable to going to a division on the present occasion.

Mr. *Curteis* observed, that he should say to the noble Lord *sic vos non vobis.* He saw no reason why the matter should be taken out of the hands of the hon. Member for Finsbury; he, therefore, took the liberty of suggesting that it should be confided jointly to the noble Lord and the hon. Member for Finsbury. He thought that no part of the honour of the proceeding ought to be taken out of the hands of the latter Gentlemen.

Mr. *O'Connell* was favourable to allowing the matter to stand over till Friday, in order that the proposition now made, might be put into proper form. He thought that this extension of time might very fairly be agreed to, and in his judgment such an assent involved no compromise whatever; he therefore moved that the debate be adjourned.

Mr. *Cowper* said, he would persist in dividing the House, if he could see that any possible advantage was likely to accrue from pursuing that course, but thinking that the manner in which the right hon. Baronet had given in upon this occasion was creditable to him, he should readily consent to adjourn the debate.—Debate adjourned.

War in Affghanistan.] Mr. *Escott* wished to know whether any Members of the late Government would oppose the production of papers concerning the commencement of the war in Affghanistan in the year 1839.

Sir *J. Hobhouse* said, that in the year 1839, various papers had been laid before both Houses of Parliament giving the fullest information that could be required upon the subject. He begged to remind the House of what then occurred. At the opening of Parliament, in the year 1839, the Queen, in her Speech from the Throne, called attention to the subject, and it was then stated that all necessary information should be laid before Parliament respecting the intended expedition. The Duke of Wellington and the right hon. Baronet now at the head of the Government expressed a hope that full information would be given. Both in the Lords and in that House frequent reference had been made to the subject in the course of the year 1839, and seven different sets of papers were laid upon the Table of the House of Commons, but from the moment the papers were produced, nothing further was heard on the subject, and, if silence gave consent, there could be no doubt that the Members of the present Government were satisfied with the information which they then received, for the right hon. Baronet now at the Home-office gave notice of a motion which he did not take the trouble to bring forward so soon as he found that the papers were produced, and, whatever might have been previously threatened, no motion condemnatory of their conduct was brought forward. All he had to say was, that full information had already been given, that the papers laid before Parliament went into the question in great detail, and that at the time, he and his Friends were prepared to discuss the whole question.

Ecclesiastical Leasehold Property.] Mr. *Lambton*, with reference to a motion of his which related to the enfranchisement of ecclesiastical leasehold property, requested to know if the right hon. Baronet intended to bring forward any measure on the subject. He probably was too much occupied with other and more urgent matters, to be able to give his attention to the subject.

Sir *R. Peel* said, that the hon. Gentleman had anticipated his answer. He had not given much attention to the subject, and was not prepared to submit to the House any motion relating to it.

Hop Duties.] Viscount *Ebrington* said, he wished to put a question to the right hon. the Vice-President of the Board of Trade with respect to the proposed duty on hops in the new tariff. Was it intended to leave the duties on *coculus indicus* and other ingredients used in the adulteration of beer at a lower rate than the duty on hops? Was the duty on hops to remain at a prohibitory figure? He wished to know from the right hon. Gentleman whether the tariff, with regard to hops, was still open to consideration, and whether the duty upon hops would be lowered?

Mr. *Gladstone* replied, that the duties on *quassia, coculus indicus*, and other articles used in adulterating beer, had been considered altogether independently of the duties on hops, and as prohibitory duties. A very small amount of revenue had been collected from the old duties, and the advice which had been furnished by the Board of Customs to the Board of Trade, was quite sufficient to carry conviction to the mind of any man that those duties were ineffective for their object. The next step to be taken then, was to lay upon them the highest duties that could be collected; and upon that principle the present rates had been printed in the list, and though they might appear low as compared to the former duties, yet they were as high as the Government could venture to fix them without running the risk of defeating the very object they had in view—namely, at 60 or 70 per cent upon the value of the article. The subject of the duty on hops was passed over, because it was considered in the light of a prohibitory duty, as was the duty on malt; that was to say, a prohibitory duty on hops was considered as standing in the same position as a prohibitory duty on malt. The old duty having been printed in the list, the Government were anxious to give all parties concerned an opportunity of considering the subject, and of making known their views with reference to it. He might, therefore, say in answer to the noble Lord, that the question was still open to consideration, and under consideration whether or not the duty should be allowed to remain provisionally the same as before.

Subject at an end.

ATTENDANCE OF COUNSEL AT COMMITTEES.] Mr. *Wason* rose pursuant to a notice which he had placed on the motion paper—

> "To call the attention of the House to the practice adopted by counsel before its committees, with the view of providing a remedy, having for its object the advantage of the suitors, and upholding the dignity of the judidicial tribunals of this House."

The hon. Member proceeded to point out to the House the inconvenience, expense, and injustice of the present system of counsel engaging to attend several committees of the House at the same time, and urged that the House should follow the example of the Court of Chancery, compelling counsel, with the aid of the solicitors, to select a particular court, and not to run from one to another, to the great confusion and delay of business, as well as to the damage of their clients. According to the present mode of doing business — or rather of not doing it — counsel would be retained to appear before several committees simultaneously, and the consequence was that in the evening they had what were called consultations, not for the purpose of advising but of being advised what had been done during their absence in the day, and of furnishing them with that knowledge of which they ought to have obtained full possession by personal attention to the business which they had undertaken. The remedy which he was about to propose would not, he thought, decrease the actual fees of counsel, while it would have the effect of diminishing the expenses of their clients. The present practice was to keep suitors before committees as long as possible; but he would have the practice altered, so as to make counsel discharge their duties as speedily as possible. At present a nominal fee was inscribed on the brief, and the counsel was paid at so much a-day, and then followed the evening consultation; and by these means some hundreds of pounds were paid to the counsel before the proceedings terminated. It would be much better to pay him the whole sum at first, and the business would be expedited. It was common to hear people say that the courts of justice were open to all parties; so was the London Tavern, if you had plenty of money in your pocket. In 1705 a grievance existed with regard to election petitions, which drew upon it the attention of the House, and a committee was appointed, according to whose report the system was fraught with abuse, inasmuch as the practice was to employ twelve or fourteen counsel, and put parties to so much expense that it amounted almost to a denial of justice. The case was the same in the present day. He recollected in 1832, a noble Lord, still a Member of the House, upon a petition against his return being presented, standing up in a manly manner and saying, that although he believed his seat to be quite secure, he candidly confessed that he had not money sufficient to pay the enormous expenses of defending his return. His constituents then, in a manner as honourable to the noble Lord as it was to themselves, met together and came to the determination of defending the noble Lord at their own cost, and the consequence was that he retained his seat. So, then, justice could not be obtained without an immense cost; and the House would recollect the case of an hon. Member, and some of his family, whose return had been repeatedly petitioned against for the avowed purpose of putting them to extraordinary expenses. Was it not a monstrous injustice that a seat in that House could not be defended but at the expense of many thousands of pounds, and that questions which in the ordinary courts of law might be settled at the cost of a few hundreds must put a suitor before a committee of the House of Commons to the expense of as many thousands? He had known cases in which hon. Gentlemen, after having engaged their counsel, could not obtain the assistance of one of them, and in one instance he knew that four counsel had been retained, and yet the committee after waiting some time, were obliged to adjourn their sitting, because they could not get counsel to attend. Then, again, suppose, there were twenty or thirty witnesses, as often there were, and even more, either the petitioner or the sitting Member must pay their expenses, and those expenses were constantly increased by the neglect of counsel. The House was much indebted to the noble Lord the Member for Monmouthshire for the part he had taken with regard to private and election committees; but he did not know that he had done anything to meet this difficulty; and he would, therefore, solicit the attention of the noble Lord to the subject. Counsel themselves had been heard to complain that they were retained in so many election committees. There was a story told of the late Mr. Harrison, whom a Member of that House found warming himself in the Exchequer Coffee-house one morning, and who, when informed that twenty persons were calling out for him at the House, replied to the effect that it was very likely, since he was engaged in at least a dozen election committees, and since he could not properly attend to them all, he thought the fairest course he could pursue was not to go near any. That he was told by an hon. Member of the House for a fact. [" The *Chancellor of the Exchequer*: It is an old Joe Miller."] He did not think so; but if the right hon. Gentleman would point out the page in *Joe Miller* where the story was told, then, of course, he must have been deceived by his friend. If he could prevail upon the House to adopt the resolutions which he was about to submit, he thought the evils of which he complained would be remedied, and the present regulation of the House applicable to the subject might be rescinded. The resolutions he should propose in pursuance of his notice were—

"1. That parties attending any committee of this House, and having liberty to appear by counsel, do at the first sitting of the committee deliver to the chairman the names of the counsel retained, which shall be inserted in the minutes of the committee.

"2. That upon no account shall any counsel appear before two committees on the same day, unless one of them shall have previously closed its proceedings."

He could not conceive what possible objection there was to the adoption of those resolutions. He called upon the House to agree to them in order to put an end to a system which he considered discreditable to all parties. He thought that the door to the administration of justice ought to be opened as widely as possible. The House ought not to allow hon. Members to retain possession of their seats unjustly, or to give them the power to shake their purses in the faces of the petitioners, and thus set them at defiance.

The standing order of the House relating to the hearing of counsel in committees was read by the clerk at the Table, after which,

Sir *J. Graham* wished to ask the Speaker whether it were competent for the hon. Member to proceed with his two resolutions before the standing order of the House which had just been read, with reference to hearing counsel, was formally rescinded?

The *Speaker* thought it was necessary first to rescind the resolution of the House to which the right hon. Baronet had referred, before the motion of the hon. Member could be put from the Chair.

Mr. *Wason* observed, that it was not his object to interfere with the present standing order of the House. He wished only to make an addition to it.

The *Speaker* said, he had understood the hon. Member to state that it was his object to confine one counsel to one election committee.

Mr. *Wason* said, that was not the purport of his resolution. He had been misunderstood.

Sir *J. Graham* said, that the object of the hon. Member was to limit the counsel employed before election committees to one inquiry. He had not had much personal experience in such matters, but from the result of his observations in those courts, he did not hesitate to affirm that the counsel who were generally engaged in such investigations conducted the business intrusted to their care with great ability, and with satisfaction to those whose interests they represented. It was not his intention to resist the motion of the hon. Member, with the view of supporting the pecuniary interests of those employed in election committees, but he did so on behalf of the suitors. He did not see any of the inconveniences which the hon. Member said resulted from the present practice of employing men of great talent and experience. He was not aware that the suitors had any ground of complaint. The hon. Member who had brought forward the present resolutions was on the eve of being personally engaged with an election committee, and he had no doubt but that the hon. Gentleman would avail himself of the best legal assistance he could obtain at the bar. He did not think that the hon. Member had any satisfactory ground for his motion.

Mr. *Williams Wynn* perfectly agreed in the opinion that the expense incurred in prosecuting an inquiry in an election committee of the House of Commons in many instances prevented justice from being done to the parties concerned. In fact, there was often a complete denial of justice under such circumstances. Let the House look at the time often occupied in such investigations. He remembered a committee which sat some years ago to enquire into the Middlesex election. That committee sat for four months, with the intermission of one week. In fact, the committe sat more hours than did the House of Lords during the seven years they were engaged in the impeachment of Warren Hastings. The hon. Member said that he wished to secure for Members the best legal assistance they could obtain. The counsel who were to be employed were to be engaged in no other inquiry, or to receive no other retaining fee. How was the counsel to know when the other petitions would be presented, and the other inquiries commence? He was, anxious if possible, to further the object of the hon. Members. His main objection was that it would be impossible to ascertain the duration of the inquiry before the election committees. If that could be effected, then no injury would be done to the counsel employed. He did not see how the resolutions of the hon. Member could practically be carried into effect.

Mr. *Wallace* was sure that every one must have felt much indebted to the right hon. Member who had just sat down, and who had devoted so much of his valuable time to the practices of election committees, for the expression of his opinions on this question, and he was quite certain that the opinions of the right hon. Member would sink into the minds of those who were opposed to them. The expense of election committees was a grievous evil —it was a growing evil—and he hoped to see some remedy. One great objection to the present system was that counsel ran from place to place, and from committee to committee. He did not know whether this was a Joe Miller story or not, but it was notoriously true. The late eminent counsel, Mr. Harrison, had said, or if he had not actually said it, he might have said, that he was engaged on so many cases, that it would be no more than justice to the parties to keep his fees in his pocket without speaking a word. If the counsel could not do their duty, was it just for them to take their fees? He could not understand how Gentlemen, knowing that they could not be in more places than one at one time—he could not understand how their friends in that House could defend them in taking money without giving value for it. Lord Denman had set an example to the House. He would not allow himself to be imposed upon, and he at once adjourned the court, considering he had been insulted, by counsel, running from court to court, and thereby obstructing the business of his. He believed that the first counsel at the bar—the first official Member of that House, was one upon whom that visitation was made. He believed Sir W. Follett was one upon whom Lord Denman shut his court. He hoped to see this principle followed in the present case. But he was afraid there was too much professional interest in that House—as almost every family of any note in England comprised

Members of the profession—that it was almost impossible to find a favourable consideration in that House for the purpose of mitigating this great evil. There was also another case. Hitherto, they had spoken only of election committees, but he wished also to speak of parties to private bills; before committees on these bills, counsel acted in the same manner. Two or three would come and go on with the business for some time; then the stars would gradually leave, and one of the junior counsel would in their absence get up and speak — not to the point that ought to occupy the committee, but, as Members of that House sometimes did, he speaks against time; thereby wasting the time of hon. Members of the House who had no right to be called, on such terms, to do such additional duty. He contended that if Members were bound to declare that they would be present "from first to last," doing the duties imposed on them as members of committees of that House, and an exceedingly proper declaration it was—if they were obliged to attend in the committee-room at a certain time and stay there without quitting the room till the Speaker took the chair, was it fair that Gentlemen who were well paid—ay, confoundedly well paid—for their time, should be also paid for wasting the time of those who served their country gratuitously? There really was a monstrous waste of time on private bills, and it would be an immense benefit to the parties concerned in them, if both counsel and Members were bound to stay in the room till they had settled the business that had called them together. He should wish if he could, to prevent counsel from speaking at all, as they did at present in committee, and pursue a plan similar to that of quarter sessions, where the business went on, and the opinion of the counsel was asked as to points of law, if necessary. He believed that all counsel before committees of that House, whether for private bills or elections, did nothing but misrepresent the case on each side to the best of their ability. He believed that it was their duty, as he was sure it was their practice, and he thought they would not be feed unless they adopted it. In a conflict between a wealthy body, such as the Corporation of London and a poorer interest, it was impossible to say what confusion might not be introduced by the power of the purse, by employing three or four counsel: the smaller party would be driven to the wall, or forced to make an unfavourable compromise. That was done every day; and it was a practice of which constant complaints were made. He was aware, however, that it was difficult to come to a satisfactory adjustment upon the question. He confessed that he did not clearly see his way in the matter, but he was equally certain that the hon. Gentleman who had brought the subject under the consideration of the House, deserved their best acknowledgments. There was a rule in force to the effect that two counsel only should be heard before a committee. Now, it appeared to him that it would be desirable, whether this rule were continued or not, that two counsel should be compelled to remain in each committee, and not be allowed to run from place to place during the proceedings, in the same way as Lord Denman had prevented counsel from running from court to court in Westminster Hall. He believed that the course his Lordship had taken upon that occasion had given general satisfaction. He hoped the House would take the entire occasion of the proceedings before committees into its serious consideration; and if any improvement were suggested upon the plan proposed by his hon. and learned Friend, he was sure that he would not refuse to it his support.

Mr. *S. Wortley* said, there was one method of lessening the expenses before election committees which had not yet been referred to—that was to establish a more satisfactory and a more competent tribunal. He had the greatest respect for the opinions and judgment of the right hon. Baronet (Sir R. Peel) and he was disposed to look at his measure with the utmost impartiality, but in its working he had seen much reason, and that more and more every day, to say that it had totally failed in attaining the objects the right hon. Baronet had in view. The right hon. Baronet could not perform impossibilities; and he thought that it was quite impossible that they could construct a proper tribunal—one which by its decisions could give satisfaction to the public, while they confined themselves to the materials to be found in the House. If they could form a competent, but above all, if they could form a judicial tribunal for the trial of election petitions, they would do more to lessen the expenses of such trials than any other plan they could adopt. Were such a tribunal formed as he had sketched out, many of the petitions which were now prosecuted would never have been presented. The parties who now speculated upon the ignorance of the committees on matters of law would never have brought their petitions before a properly constituted judicial tribunal. The great fault of the present system was that the Members of the committee were generally not only ignorant of law, but they were called upon to act upon precedents of the most discordant nature—upon precedents which might be referred to, not only upon both sides of a question, but upon both sides of every question that could possibly arise. The present tribunals came to such uncertain decisions that they tempted speculation upon the chance of success before a committee, and he must protest against so very partial a remedy as that proposed by the hon. Member for Ipswich being applied to so great an evil.

Mr. *O'Connell*, having been alluded to by the hon. Member for Ipswich, begged leave to have it distinctly understood that he made no complaint against the learned counsel. He retained them, well knowing that he could not obtain the whole of their valuable time; he took his chance of having as much of it as possible—that was the understanding between them, and faithfully they had performed their part; therefore he had no complaint to make. In reference to what had fallen from the right hon. Gentleman (Mr. Wynn), he would only say, that most frequently the examination of witnesses was the most important part of the duty of a counsel, and therefore demanded the care and attention of the man of ability and experience. He was afraid that the prophecy he had ventured had turned out too true, and that the experiment of the right hon. Baronet and of the House had totally failed. True, it was not asked now of what opinions were the majority of the committee, but every one asked what were the politics of the chairman. And it must ever be so, so long as the House retained the exclusive jurisdiction in such cases within themselves. He trusted that the hon. Member for the West Riding of Yorkshire, whose time of life, whose experience, and whose position in the House qualified him for the task, would come forward with some plan for the formation of a better and more competent tribunal. It was absolutely necessary that it should be done, and as the hon. Member had found out the evils of the present system, he owed it to the country that he should turn his attention to the subject, The amendment must be twofold—it must begin with the registry, form an appeal court, and then a man having been placed on the registry, let him enjoy the franchise for a certain time under all or any circumstances; and after an election, if there must be a committee, let it be one where justice was sure to be had. Let them form the tribunal, not from the House but from that class from which they selected the judges. Let them be well paid, and he would answer for it there would be a saving in the end, for the contests would not only be fewer, but the proceedings in those which were prosecuted would be much shortened. The hon. Member had committed himself to the task, and, whatever service the advice of an ancient lawyer could be to him, his was entirely at his command.

Mr. *W. O. Stanley* was of opinion that the defects of the present system, and the great expense to which parties were put, arose from defects in the registration of electors and the want of a defined franchise. As it was intended that both should be placed on a better footing, he did not think that the House ought to part with its jurisdiction until the system had had a fair trial.

Mr. *Aglionby* agreed very strongly in the opinions which had been expressed by the hon. Member for Yorkshire and the hon. and learned Member for Cork. The present tribunals did not give more satisfaction than those which had been abolished. He also agreed that they must commence any reformation of the system by amending the registration of electors, and after that amend the constitution of the tribunals to be appointed for the trial of disputed cases. But he was disposed to go further, and commence with the simplification of the franchise. The question which had been proposed by the hon. Member for Ipswich was one of great difficulty, and he did not think they would find many Members in that House competent to do justice to its importance. He did not think the hon. Member would gain anything by dividing; he should suggest that he should change his motion, and move for a committee. They were bound, as far as they could by law, to lessen the great expenses incurred in these petitions, but he did not think that the plan of the hon. Member for Ipswich would have that effect. As long as talent was appreciated, so long would they have the race run by men of the highest attainments, and he believed it would be impossible for that House to prevent such a proceeding. If counsel were only permitted to attend one committee, what would be the consequence? Why, eminent counsel would calculate on the length to which committees might extend, and would exact an enormous fee for their attendance on those committees. He thought if a committee were appointed before which counsel and agents may be examined, that an intermediate course might be adopted which would lessen the expense of the parties. He thought the advantages to the members of the bar were but as a feather in the scale, and that the interests of the public should alone be regarded. He hoped the hon. Member would change his motion, and would ask for a committee to investigate the subject.

Captain *Fitzroy* entirely agreed in opinion with his hon. Friend the Member for the West Riding of Yorkshire; yet, at the same time, as the decision of the House forming the present system had been given so recently, any one attempting in the present Session to moot the question of amending it, would meet with a very slight chance of success. There was one means, he thought, which the House had the power of adopting by which these committees might retrieve their character. Let them put in the chair of all election committees men of distinguished abilities at the bar—men of high standing and character, many of whom they had in the House. They had Sir W. Follett, Sir T. Wilde, and many others—he cared not from what side such men were chosen—let them be placed in the chair of such committees. and the object desired by all would be very speedily attained. Time was now lost because hon. Gentlemen who were placed on committees were not fully aware of the value of evidence; they, therefore, allowed much that was irregular to be given—much that had no practical bearing on the case—such evidence would be at once rejected by such Gentlemen as he had named. Again, much time was now consumed by counsel mooting points of objection for the mere purpose of delay. He had not yet served upon any election committee, but he had often attended them, and he had seen points mooted which the counsel laughed heartily to see the committee entertain. With such Gentlemen as he had named in the chair, all the time so wasted would be saved. He could see no difficulty or objection to his proposal. If Gentlemen of their standing, in order to gratify their ambition, chose to obtain seats in that House, he thought the House had a right to demand from them the exercise of their talents and experience in a matter of such vast importance. The hon. and learned Member for Cork was perfectly right in saying that the only inquiry on the appointment of an election committee was as to the politics of the chairman. That was the inquiry both in the House and out of it. Not one man either in the House or amongst the public, but looked with the utmost suspicion upon the decisions of committees, and it was of the utmost possible importance that some change should be made. He thought the one he suggested was deserving of the attention of the House.

Lord *G. Somerset* said, the question of appointing Gentlemen of the legal profession as chairmen of election committees, had engaged the anxious attention of a committee of that House which had considered this subject in a former Session. He thought it would be difficult to obtain men of eminence in the profession to preside over all the committees; and, unless they could have men of first rate eminence to occupy such stations, he considered it would be most unwise to adopt the suggestion of the hon. Member who had just sat down. With regard to the proposition of the hon. Gentleman now under consideration, although its object was a good one, he thought its results would be most mischievous. If the hon. Gentleman wished to diminish the expense attending proceedings before election committees, he must go further than he proposed to do—he must limit the number of agents and attorneys employed, and alter the whole machinery of the system. Although the expense of counsel might be considerable, yet he thought that many other items in the expense attending such proceedings were equally as extravagant, and much less justifiable. He concurred with the hon. Gentleman in thinking that the convenience of counsel alone ought not to be considered; but it was frequently advantageous to the suitors to consult their convenience. He did not think that suitors, in cases of election petitions, would be benefited by the proposition of the hon. Gentleman, but that it would rather tend to their disadvantage.

Mr. *Wason*, in reply, said, he conceived the resolution he had proposed was quite adequate to attain the object he was desirous of effecting. Hon. Gentlemen, on both sides of the House had agreed in admitting the failure of the measure of the right hon. Baronet (Sir R. Peel). The only question now asked, in the House, as well as out of it, was, "What sort of a Chairman have you got? Is he a man of your own political opinions or is he opposed to you?" If you say, the Chairman differs from you in political opinions, the observation is, "I am afraid, then, you won't succeed." If you say the Chairman is one of your own party, the reply is, "Then you're all right." It was not now asked, what were the sentiments of the majority of the committee, for by the measure of the right hon. Baronet, three Members were selected from each side of the House; but the opinions of the Chairman were alone regarded, for his casting vote decided any question which might arise in the committee. If the noble Lord (Lord G. Somerset) would take the subject into his consideration, and move for a committee to inquire into it, he was willing to leave the matter in the hands of the noble Lord; or if the committee to which the selection of Chairmen of Election Committees was confided, and of which the noble Lord was the Chairman, would adopt measures for lessening the enormous expenses attending these investigations, it would meet his views. He would withdraw his motion; and if it appeared to be the opinion of hon. Gentlemen on both sides of the House, that this question should be referred to a committee, he would not lose sight of the subject.

Mr. *Childers* thought that the great objection to the constitution of election committees was the want of qualification on the part of its Members to decide the legal questions that were raised before them. In fact, the counsel were much too clever for the judges. The counsel raised as many points as they could; and Gentlemen on the committee were too apt to give great weight to objections raised by counsel on their own side in politics, and to disregard the objections raised by the counsel on the other side. He had sat on a committee, and he believed that there never was a fairer committee, still the decisions to which they came left no strong and satisfactory impression on the mind as to their soundness. But he did not ascribe this to party bias so much as to the inability of the Members of the committee to decide the difficult points that came before them. As committees were now constituted, no counsel, however confident of the goodness of his cause, could go before a committee with an assurance of success. In a committee of which he had been a Member, there were six or seven and twenty divisions, and he did not believe, that more than one of them was at all of a party character. On that occasion, four were on one side, and three on the other; the four were Conservatives, and the three Whigs.

Sir *Robert Peel* thought the speech of the hon. Gentleman was the strongest demonstration of the perfect fairness of the jurisdiction that could be given. Out of twenty-six or twenty-seven decisions, there was only one or two, said the hon. Gentleman. [Mr. *Childers:* Only one.] Only one; and why should that one be considered a party decision? Observe, these Gentlemen had acted together twenty-seven times without reference to party, and because there happened on one occasion to be four Members on one side and three on the other, the hon. Gentleman called that a party decision. Why should it not be presumed that on that particular occasion the decision was according to the honest opinion of those hon. Gentlemen? He hoped the House would not always be governed by what the losing party said with respect to a committee. Whatever tribunal they might constitute, he would venture to say, that the loser would complain, and would be very much disposed to impute some improper motive. With respect to the appointment of a chairman, he might observe that it was not a part of his original proposition. It was the suggestion of the noble Lord the Member for London; and he being anxious to keep the jurisdiction to the House, gave his assent to the proposition. He hoped the House would not, because of the complaints against counsel or against the committee, consider that the decisions of these tribunals were not perfectly honourable and fair.

Mr. *Childers* did not impute motives to the committees, he merely thought them not qualified to decide the points that were brought before them by counsel, and, therefore, could not do justice to the parties.

Sir *Robert Peel* was quite surprised that any committee should allow counsel to take any unwarrantable liberty with them. The committee ought to prescribe limits within which counsel should conduct their case.

Mr. *Ewart* said, he did not understand the hon. Member to attribute any partiality to the committee, but to their inability to understand legal questions. For his own part, he did not think that with regard to private bills and those committees, they were as perfect as they should be, and with respect to the latter, they should have judges to control both counsel and Members of the House.

Motion withdrawn.

INCOME-TAX REPORT — ADJOURNED DEBATE.] On the motion of Sir *R. Peel*, the Order of the Day for resuming the adjourned debate on the report on the property-tax resolution.

Mr. *Brotherton* said, he had moved the adjournment of the debate last night, in order that hon. Members should have an opportunity of consulting their constituents. As the noble Lord the Member for North Lancashire had thought proper to denounce those who were guilty of the presumption of asking for more time for the discussion of this question, he hoped the House would allow him to state in a very few words the reasons which he had for the vote which he had given for the adjournment of the debate on a former occasion. In the first place, he would frankly own to the right hon. Baronet, and to the House, that when he had voted in the minority for the adjournment till after Easter, he had been fully impressed with the opinion that the country was against the measure; but he would frankly acknowledge to the right hon. Baronet, that he did not think there was that opposition to the measure of the right hon. Baronet in Manchester and the neighbourhood which he had anticipated. [*Loud cries of* "Hear, hear," *from Sir Robert Peel and the Treasury Bench.*] He had no hesitation in saying it. He had no interest to serve; but he had anticipated a different feeling from that which he had observed. He recollected being at a large meeting in 1816, when a most unanimous feeling was exhibited against the Income-tax, and he had thought that there would be the same feeling now. He could scarcely account for it why there was not; but perhaps a new generation had arisen up that did not know the Income-tax, and not having experience of it, they did not know what they had to expect, and would not be convinced till they had felt the tax-gatherers' hands in their pockets. Another reason might be that many might be ready to sacrifice their own and their neighbours' interests to the interest of their party. A petition had been presented to the House, signed by 24,000 of the inhabitants of Manchester, in favour of the tax and against delay. He was ready to admit, that many respectable individuals had signed that petition; but it had not been a petition emanating from a public meeting. He would not designate it as a hole and corner petition; it had been laid in the Exchange Rooms at Manchester, and in the offices of certain newspapers; but no doubt there must have been very great diligence to obtain 24,000 signatures to it. ["Hear, hear," *from the Ministerial benches.*] But there had been two public meetings in Manchester, one in the Town-hall, which had been very respectably attended, and the resolutions proposed at which had been carried unanimously. There had also been a meeting of the Town-council, and resolutions had, he understood, been unanimously carried there against the Income-tax. His opinion was, that another reason might have operated with the people; he believed that they had not understood the distinction between a tax on property, realized capital, and a tax on income. ["Hear, hear," *from Sir R. Peel.*] However that might be, there was a divided feeling on the subject. Another reason had been stated to him by a friend of his, whom he (Mr. Brotherton) should have expected to have opposed this tax, for the quiescence of the people; his friend said, there was a clause introduced into the measure allowing a composition for the three years' income; and "now," said he, "as we have not had any profits for the last three years, we can compound, and we think we shall make a pretty good bargain." Many of the clergy of Manchester had signed this petition. He had had a good deal of experience with regard to the opinion of the clergy of the town of Manchester, and he must confess that it had little weight with him. They had almost to a man supported the first French war; they had supported and justified the proceeding at Peterloo, and had been ready enough to subscribe their names to justify that occasion; and when the case of Queen Caroline was before the country, scarcely a clergyman of Manchester but had been opposed to her. He knew that they had been over and over again asked to lend their efforts for the repeal of the Corn-laws, in order to give the poor cheap bread and employment, and he would ask whether the clergy of Manchester had ever come forward on behalf of this measure? He knew that the Independents and the Dissenters had come forward on this question, because they considered it a Christian duty to obtain food for the poor and clothing for the naked. He was always of opinion that a man should be judged according to his principles; and he would rather have a man in favour of just laws, which would enable every man to earn his bread honestly, than a man ready to relieve with the pittance of charity; but who was the advocate of bad laws. He had honestly stated the case with regard to the feelings of the people, as to this tax, and he hoped that when the tax came to be levied, the petitioners in its favour would be as much disposed to pay it, as they had been to petition for it. With regard to his own opinion of the tax he believed it to be unnecessary, and he could not vote for it. He conceived that if monopolies had been removed, it would not have been necessary. It had been stated, in the petition presented by the noble Lord (Lord Francis Egerton) the previous night, that it was unwise and wicked to take up the time of the House in discussing trifling omissions in the tariff. Why, the trifling omissions were corn, and sugar, the principal articles which related to the food and comforts of the people. He therefore said, that it was the monopolies which rendered this tax necessary; remit the monopolies of corn and sugar, and they needed not the tax. He had always been in favour of the repeal of the Corn-laws, but he was not insensible to the measure of the noble Lord (Lord J. Russell), a moderate fixed duty being in his opinion, much superior to that of the sliding-scale, because by that the people were taxed to a much greater extent, not for the benefit of the revenue, but for the benefit of a particular class, and then those for whom the sliding-scale of 20s. a quarter was imposed, wished to show their liberality to the people by throwing them back a shilling in the pound in the payment of the Income tax. He considered that if the plan of the noble Lord had been adopted, there would have been no necessity whatever for any increase of taxation. He was of the opinion of the late Mr. Cobbett, that let them lay the taxes where they would, they would be shifted from one shoulder to another, till they came to the lowest, and if they increased the taxes of the people, they would most certainly fall heaviest on the poorer classes. He was for reducing taxation, and not increasing it; but he had never seen that House much disposed to lessen the expenses. The late Government had been much blamed for increasing the expenditure of the country, and not keeping up the revenue equal to it. But hon. Gentlemen must recollect that for the last three or four years hon. Members opposite, when they had sat on that (the Opposition) side of the House, had been continually goading them to increased expenditure. The naval gentlemen on one side, and the military gentlemen on the other, had been continually voting for this. He had always voted against it, for he was of opinion, whenever they increased the army and navy, they would contrive to employ them. With regard to the war in India, he was against the war as unjust; and if unjust in the commencement, it was equally unjust to carry it on. If we had been unjust in our attack, we ought to be defeated. He did not participate in that feeling of the glory of the country in military exploits; he considered that the victories of peace were more glorious than the trophies of war; and although there were others who were possessed with different feelings, and imagined that the glory of this country depended upon its arms, he was more for seeing the glory of the country displayed in the prosperity and happiness of its inhabitants, and that could only be done by pursuing the arts of peace. He had always noticed that there was a different mode adopted in the House of Commons to what was adopted in private life. When a poor man was told he must be reduced a shilling in his wages, he went home to his wife and said, "we must diminish our comforts and make our wants conform to our means," but in the House of Commons the course was quite the reverse. They met together and considered how much they wanted, and there was scarcely any end of their wants, and then they had to consider the means of supplying those wants. There could be no doubt that in the present state of the country the Income-tax was unnecessary, and as little that it was unjust, for how could that tax be called just which required as much from a man whose property was worth only three years' purchase, as from a man whose property was worth thirty years' purchase? He had always been of opinion, that realised property, and not income from trades and professions, ought to be taxed; but it had always been the policy of Parliament to couple the tax upon income with a tax upon property. When it was proposed to take off the malt-tax, Lord Althorp had answered, that an Income-tax must be the consequence of the repeal. It was then suggested that a tax upon income derived from realised property would answer the purpose; but no, a property-tax, unaccompanied by an Income-tax, could not be tolerated. A tax upon real property might be levied without much injustice, and he would make it a landlord's tax, and not a tenant's. He would also tax money in the funds and mortgages, but would exempt farmers, tradesmen, and professions. It might be said, that it was unfair not to tax tradesmen, but it was not to be forgotten that trade had for many years borne much more than its share of the public burden. The taxes upon raw materials used in manufactures amounted to not less than 1,200,000*l.* a-year. Cotton alone paid 600,000*l.* of this sum, and the rest was contributed by dyewoods, wool, silk, &c., even the flour used in manufactures was taxed to a large amount. His (Mr. Brotherton's) plan would have many advantages; for, although a tax upon houses merely would be unjust, he would include not only houses, but mills, warehouses, and manufactories, in the same way as they were assessed to the poor's rate. The tradesman would thus be exempted, while the lower classes would reap the greatest benefit from the arrangement. It seemed to him that there was a broad and obvious distinction between a tax upon income and a tax upon property, and of this distinction he wished to avail himself. Having shown that the tax was unnecessary and unjust, and that it would cripple and limit the operations of trade, he had no hesitation in giving his vote against it. Persons in trade and belonging to professions, would soon find how odious, inquisitorial, and vexatious, the Income-tax was, and he had no doubt, that before long, such an opposition would be raised against it, that it must be repealed.

Colonel *Wood* said, the hon. Member who had just sat down had told them, that a very large number of persons in Manchester were favourable to the tax. He hoped he should be able to show, that the great mass of the people, not only at Manchester, but in every other part of the kingdom, took the same view. The deficiency in the revenue was admitted to exist by which Gentlemen on both sides of the House could not be permitted to continue, and it must be made up either by direct or indirect taxation. They must determine whether they would look their difficulties manfully in the face or go on from year to year endeavouring to prop up the revenue of the country by indirect taxation and miserable expedients. He had in his possession a return which he had found amongst some Parliamentary papers which would show what was the number of persons who had paid towards the last property-tax, and what was the probable number that would be exempt from the present contribution. The accuracy of the returns might be ascertained by reference to the papers in the library of the House. He found, that the occupiers of land with incomes under 50*l.* a-year, and, who were exempt from the tax when last imposed amounted to 114,778; they would be exempt now. He found that the occupiers of land from 50*l.* to 150*l.* a-year, who were not exempt in 1815, but who would now be exempt, amounted then to no less a number than 432,534; making the total number of occupiers of land including those then taxed, but exempt from the proposed tax now, no less than 547,312. Now, what number of occupiers of land, did the House suppose contributed to the tax in 1815, whose incomes exceeded 150*l.* per annum. Only 42,062 out of the whole mass of the community. Then he found in trades and professions, that there were 100,000 persons whose profits from trades and professions were under 50*l.*; he found 117,306 persons whose incomes from trades and professions varied from 50*l.* to 150*l.*, making 217,306 persons in trades and professions who would be exempt from the operation of the proposed tax. He had ascertained these numbers to show why the tax should be not unpopular. The total number of persons occupying land, and the total number of persons in trades and professions who would contribute to the tax, exempting those liable to the tax of 1815, and whose incomes were under 150*l.* per annum, amounted to no more than 77,682 out of a population of 12,000,000 souls. But, what might now, be the number of persons who had incomes and who would now be exempt. It could not be got at by returns, and could only be reached by calculation. The population since the time he had spoken of had increased to 18,500,000 souls—in other words, one-third. Was it then, a fair calculation, to add now one-third to all the numbers included in the return of 1815, he proposed to make that addition. Now, the House would bear in mind, that the numbers in trades and professions, and occupiers of land, who contributed towards the property-tax in 1815, and whose income exceeded 150*l.* per annum, was no more than 77,682. To that number adding as he proposed, one-third, the result would give in the present times, 103,578 persons as contributors. This addition must be admitted to be liberal, because the number of occupiers of land had rather diminished within the period to which he referred. There then remained to be added to this number the owners of land, and for errors in calculation, and for other additions he would propose to add 96,422, and this would give 200,000 as the number of contributors to the property-tax, as proposed by the right hon. Baronet, the Member for Tamworth. Nay, he firmly believed, that the number of persons liable to be called on in England, Scotland, and Wales, to contribute to that property-tax, would not amount to 200,000 souls out of a population of 18,500,000 souls, could this be the case, it must be remembered that the 18,500,000 must be divided into families, as the heads of families only constituted, dividing that number by five it would give 3,500,000 families. He found from the returns which had been laid upon the Table, that the number of inhabited houses amounted to 3,444,848, and calculating at the rate of 5 persons to each house it would give nearly 3,500,000 families. He had already stated, that in the year 1814, the returns showed, that of persons whose incomes were under 150*l.* per annum, there were 547,362 occupiers of land, and 217,066 who exercised trades and professions, thus giving a total of 765,428 who would be exempt under the provisions of the proposed measure. To this, adding one-third for the increase of population, the result would be 1,048,136 individuals whose incomes were under 150*l.*, and who would consequently be exempted from the payment of the tax. He had already stated, that the number of families was to be taken by calculation at 3,500,000. He had shown the number exempt (their incomes being under 150*l.*) to be 1,048,136, while the number of families who had no income was 2,231,864, would leave, as he had already stated, 200,000 individuals only liable to the tax proposed. This was a return which convinced him, that an Income-tax was by far the most honest and least oppressive tax to the great mass of their fellow-countrymen. He thought it placed the burden on those who ought to bear it, and shifted the burden from the lower classes, inasmuch as it would be accompanied by the removal of taxes which now pressed upon the necessaries of life. The noble Lord, the Member for the City of London, had objected to the property-tax, because it was an impost which ought to be reserved for times of war, and ought not to be resorted to in time of peace. Now, he thought no individual could foretell either the extent of the expense or the result of the war in India. He did not wish to paint in gloomy colours the misfortunes which had recently happened west of the Indus, but it was impossible not to entertain the utmost anxiety on behalf of the brave men now locked up in the fortresses of Affghanistan, or to say, looking at passing events, that this country was at peace; but whether the country was at peace or war, if the tax proposed was a right tax, it ought, in his opinion, to be imposed. Hon. Members on his side of the House had been taunted by hon. Gentlemen opposite with having given their support to the measure which had now passed this House with respect to the Corn-laws. For himself, he could say, that the support he had given that measure was quite consistent with the promises he had given on the hustings to his constituents. There was not a man who could hesitate to admit, that in the late Corn-laws, there were deformities which called for correction. The bill which happily had passed this House gave to the landed interest all the security and protection which it was necessary for them to have, and he should be sorry if that interest attempted to retain more protection than was necessary, to draw down on that great interest odium and obloquy instead of any earthly advantage. The promise he had made to his constituents was, that he never would vote for a tax on corn for the purpose of revenue. He contended, that the laws regulating the importation of corn were designed for protection, and not taxation, and, therefore, he would not vote for a fixed duty, which in effect would be no protection. In years of abundance Importation would take place under a fixed duty and glut the market, and in years of scarcity would aggravate distress, and besides that it could not be collected. He should have no hesitation in giving his decided negative to the proposition of the noble Lord opposite, and having done so he should support the motion for bringing up the report on the resolutions proposed by the right hon. Baronet, the Member for Tamworth, fully convinced that by so doing he should fulfil the promise he had given to his constituents, and should act not only for their interests, but also for the good of the country at large.

Mr. *Mangles* said, that he had attentively listened to the speeches of the right hon. Baronet, and the noble Lord, the Member for North Lancashire, without conviction—he was least of all convinced of the necessity of introducing the state of affairs in India as a reason for imposing the Income-tax upon this country. He was aware that he might be charged with presumption in opposing himself to such high authorities, and he was well aware, after the treatment which the speech of the right hon. Member for Edinburgh had last night received, of the danger which he ran of misconstruction, in speaking even with qualification of the misfortune which had befallen our arms in Cabul. In some points of that speech he entirely concurred, from other parts he dissented; but while he admitted the misfortune the British arms had sustained in Affghanistan, and sincerely sympathised with the sufferers, he contended that it was not the greatest disaster our troops had ever experienced. The present was not, however, a question of sympathy, and it did not at all follow because the late news had been highly distressing, that it was on that account to be made the ground for laying upon the people of Great Britain an odious and most oppressive tax. The question, as brought before them by the Ministers, was, whether the state of affairs in India amounted to a justification of the Income-tax. Upon that point, with all humility, he begged to join issue with the right hon. Baronet. He did not deny, that there was financial difficulty in India, but not difficulty of such a nature or degree as to render it a valid plea for the imposition of an Income-tax on the people of England. There had been an abundance of wars, and expensive wars, too, in India, during which the arms of this country had not been exempt from severe disaster, yet he was not aware that on any former occasion the Finance Minister of the day had thought fit to come down to Parliament in order to make the affairs of India a reason for calling upon the people of this country to submit to great pecuniary sacrifices. The right hon. Baronet was therefore bound to make out some peculiar case, and reverting again to Affghanistan, it would surely not be said, that the disaster recently sustained was to be compared with some of those which had occurred during the American war. It was an observation at least as old as the time of Solomon, that men's minds always magnified things present, whether mournful or satisfactory; and it applied to what so opportunely, as far only as regarded the imposition of the Income-tax, had happened in India. He begged the House to compare the financial state of India during the triumphant administration of Lord Wellesley, with its present condition. In 1797 the debt of India at home and abroad was 17,059,192*l.*; and in 1805, at the close of Lord Wellesley's government, it had risen to 31,638,827*l.* In 1805-6 (as the Indian financial year did not terminate until April), the charges alone, without reckoning the interest of the debt and the supplies to Malacca, the Mauritius, &c., exceeded the revenue by the sum of 157,000*l.* Let the House compare also the rate of the interest of money as paid by the Indian government for its loans, in the time of Lord Wellesley, and at the present moment.

In 1798 it was	..	12 per cent.
— 1799 —	..	11 —
— 1800 —	..	9 —
— 1801 —	..	11½ —
— 1802 —	..	10 —
— 1803 —	..	8 —
— 1804 —	..	8 —
— 1805 —	..	9 —

At that period the revenue of India was 15,403,409*l.*, so that the debt was a little more than double the annual amount of the revenue. Now, in 1839, the whole debt was 31,987,000*l.*, only a few hundred thousands more than it had been at the close of the administration of Lord Wellesley. It was needless for him to detail to the House the mode in which the debt of India had been kept down; but the revenue had increased from 15,403,409*l.* to about 20,000,000*l.* As to the present rate of interest, he might inform the House that the East India Company had at this moment a loan open. It was not the custom for them to raise money from large capitalists, but to propose a loan to all who were willing to contribute any sums at a certain rate of interest, and to keep it open as long as money was wanted. The loan now open was only at the rate of 5 per cent., and 5 per cent. in India was not so high as 3 per cent. in this country. Thus, at the very moment when the state of affairs in India was made the pretence for an Income-tax, the Company was obtaining money at a rate of interest equal only to 3 per cent. How high, too, the character of the India Company stood at this moment, might be judged from another fact. There were but two banks in Calcutta, the bank of Bengal and the Union bank. Whilst the first was discounting the best private bills, having only three months to run, at 8 per cent., and the latter at 9 per cent., the Company was able to raise money at 5 per cent. Did this fact show that it was necessary to impose an Income-tax in consequence of the deficient finances of India? Another circumstance deserved remark. In the time of Lord Wellesley the pay of the army, the Sepoys, and the civil servants, was often six, nine, and even twelve months in arrear, whereas at the present moment he would stake his credit that there was not a single servant who was not paid month by month as his salary became due. Yet this was the time when the financial state of our Indian empire was to be laid as a ground for imposing the heavy burden of the Income-tax upon the shoulders of the already heavily loaded people of Great Britain. The present condition of the revenue of India was peculiarly flourishing; and upon this subject he had received by the last mail two letters, one from the secretary of the Government, and the other from a member of the revenue board. In both letters he was told that the revenues of the lower province of Bengal and Behar, the treasury and the granary of India, were now in a more flourishing state than they ever were; and in the last letter he was told that the result of the new laws for the sale of land was, that while at the periodical sales the land jobbers had abundance of money to purchase estates, they had not succeeded in a single instance, the revenue had been paid up with such punctuality. He had endeavoured to contrast the state of things in India at the time of Lord Wellesley's administration and the present moment, so far as the financial condition and revenues of the country were concerned. He would now say a few words on the recent most disastrous loss of life and troops; and he thought that he could find instances in our Indian history where there was a parallel to those disasters, which were encountered without calling for the intervention of this country. He alluded to the Burmese war—a war, by the by, which imposed a debt of 13,000,000*l.* on India. It was true that the loss of life in that war did not occur so much from the sword of the enemy, as from fever and from sickness among the troops. Probably the individual sufferings of the troops were greater then than now, but that was a matter of very little importance in a financial point of view. It appeared from the papers of Major Tulloch, which had been laid before Parliament some years since, that in the

> "General summary of the Rangoon and Arracan expeditions, contained in the latest volumes of the Statistical Reports of sickness, mortality, &c., among her Majesty's troops, printed by order of Parliament, that, 'in the first year of the Burmese war, ninety-six were killed in action, out of an average force of 2,716 British soldiers serving under Sir Archibald Campbell, being 3½ per cent., and 1,215 died by disease and other causes, being 45 per cent.' He added, 'the deaths will be found to have nearly equalled the number of British troops originally employed in this service; and but for the seasonable reinforcements which arrived, the whole force would have been annihilated.' Major Tulloch considered it as proved that the native troops suffered from disease in nearly the same proportion as the Europeans, and had more killed in action."

He believed, that we had suffered a larger numerical loss of men in the two years of the Burmese war than we had in the Affghan war; yet we had never heard of a proposal to support that war by imposing fresh burdens on the people of England.

He begged also to state his humble opinion, that India, well governed and well managed, was amply able to bear all her own burdens. He did not mean to say, that if, by information possessed by the right hon. Baronet, or by the papers already produced, or to be produced thereafter, it should appear that the Affghan war was begun for European objects, England ought not justly to bear a proportion of the expenses, but that was a point remaining to be investigated; it might be—it certainly had not yet been proved, and he would not prejudge that question; but it appeared to him, from the ambiguous manner in which the right hon. Gentleman intimated the way in which he meant to give assistance to India, that he would not cause an actual outlay to this country. The right hon. Gentleman might contemplate what he thought ought to have been done long ago, without reference to the present disastrous state of things, or to any peculiar circumstances, namely, to give the guarantee of England to support the Indian revenue. That was a mode of assisting India which did not call for any sacrifice from the pockets of Englishmen, or render necessary the imposition of any fresh taxes. In his opinion, such assistance as he had indicated would not only be proper now, but it would at all times have been proper. The debt of India was now 32,000,000*l.*, the interest upon which would be 1,600,000*l.*, for the loan was as an interest of about 5 per cent: if the guarantee of England were given to the Indian revenue, the interest might be reduced to 4 per cent., and a saving of 320,000*l.* a year would be effected, a sum nearly equal to the expenses of the whole addition to the European part of the army, now about to be made. At the same time he must call upon the House to look at the advantage of which India was to this country. India yearly sent to this country about 3,000,000*l.* sterling, making a net addition to the spending income of this country. One word as to the force which it was understood was about to be sent out to India, because last night credit was taken by hon. Gentlemen on the other side of the House for the whole expense of this force, and the noble Lord the Member for North Lancashire (Lord Stanley) spoke of the expenses of the Chinese expedition as a burden to be paid out of Indian revenue. It was true that the primary expenses were to be paid out of the Indian revenue, but as India was making great remittances to this country, it was the same thing to the Indian government, if it made the payments in India, and the home Government, provided it were honest and prompt in its payments, repaid the amount to the India-house here. Then credit was taken, as new burdens incidental to the war in Affghanistan, for six regiments, which were stated to be going out to India. Now, if he were not very much misinformed, two of these regiments were in substitution of two others sent to China, therefore the Indian revenue would have only to bear the expenses of four out of the six regiments, and one of these was in substitution for the unfortunate regiment that had ceased to exist; thus there were but three additional regiments to be provided for. He had done with that part of the subject. He would now venture further to offer to the House his general opinion as to the state of India, and the demands which that country was likely to make on this. He did not participate in the great alarm which had been expressed relative to the state of our Indian possessions, whether on the other side of the House, or by the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay). He did not participate in those feelings which the right hon. Gentleman had expressed yesterday as to the greatness of the danger to be apprehended from the Mahomedan powers of India; he thought that the right hon. Gentleman had much over-stated that danger. The right hon. Gentleman forgot that the Mahomedan powers had lost their ascendancy in India before we assumed the reins of Government. He forgot that the Mahomedans were detested by the Hindoos, who recollected but too vividly the cruelties and the oppressions of their former sway, and who would, therefore, lend their aid to us against the Mahomedans. The noble Lord the Member for Lancashire (Lord Stanley) had also said that our empire in India was founded upon the *prestige* of opinion, and the right hon. Gentlemen the Member for Tamworth had put an imaginary case as a reason for raising the additional revenue; he asked what we were to do "if our native army proved untrue." He put the hypothetical case of some disaffection in the ranks of the native army. ["No, no."] The right hon. Gentleman had put some such case; and, as he did not think that there was any great danger to be apprehended from the Mahomedan power, so he did not think that our empire in India stood only on the *prestige* of opinion, or that there was to be dreaded a disaffection in the native army. He believed that our power in India stood upon a much firmer basis than the *prestige* of opinion. It was an empire of opinion, no doubt, just as all moral strength was derived from public opinion—but our empire in India was not only supported by our bayonets, but also from the circumstances remarked upon by the sage in Rasselas, who, when asked, "why the European was stronger than the Asiatic," said that the "European was stronger because he was wiser; but why he was wiser, He only who made both could tell." He believed that our empire in India was founded on our truthfulness, on the sense entertained of our justice, and on the manner in which we had maintained our great character and reputation; for although there had been repeated instances in which we had acted with guilt and with cruelty, yet our general conduct had been marked with truthfulness, with uprightness, and with justice and good faith. There were two instances which he could bring forward in favour of his opinion, that there was no danger to be apprehended to our Indian possessions from the rising of the Mahomedans, or from the disaffection of our native troops. With regard, first, to the Mahomedan power. In 1816 there was a revolt in the chief place of the Rohilla country, peopled by some of the bravest men in India, deriving their origin from the same stock as the Affghans. An insult had been offered to them, in the person of their high priest; they rose in a body to murder the assailants; and he mentioned the fact to show the superiority in discipline of the native troops over the Mahomedan population—for the troops withstood the whole population. There were only three companies of Sepoys in the place; they had not men enough to form a square, they could only form a triangle, and even then they were obliged to press in some irregular troops, and yet they were successful. The population of the Rohilla country were the *élite* of the Mahomedan population, and if they had so signally failed, when so weakly opposed, why should we dread them now? Again, in 1819, in Benares, a disturbance broke out between the Mahomedans and the Hindoos, and it was absolutely necessary to call out a native regiment to prevent the Mahomedan inhabitants of the great city of Benares from being torn to pieces by the Hindoos. When troops were called out, to prevent the Hindoos from destroying the Mahomedans, the Brahmins threw themselves before the muskets of the Hindoo Sepoys, to prevent them from firing upon the Hindoo mob; but nevertheless the troops at the command of those officers did fire. There might be circumstances within the knowledge of the right hon. Baronet, and not as yet before the House, which might justify the raising of a sum of money by the hateful means of an Income-tax, for relieving the wants of our Indian empire; but these circumstances were not before the House, and till they were he, for one, would not consent to this tax.

Mr. *G. H. Vernon* said, that the hon. Member for Guildford had administered some consolation to him by the statement he had made of the flourishing state of the finances of India, but he thought, the measures of the Government were quite independent of what might be the financial prospects of India for the next year. It was the duty of a wise and prudent statesman to grapple with whatever difficulties presented themselves prospectively, instead of resorting to any temporary expedients to meet them—and the right hon. Baronet deserved the thanks of the country for the promptitude with which he had acted when seeing a cloud, perhaps no bigger than a man's hand in the horizon, he had taken vigorous measures to meet the difficulty, instead of temporizing and producing greater evils hereafter. The statement of the hon. Gentleman opposite, as regarded Indian finances, had only come down to 1839; and he feared, that that could be of as little avail in determining the present prospects of that country, as if the right hon. Baronet had taken the financial affairs of England in the same year as the basis of his financial measures. He felt, however, the greater readiness in supporting the proposition of an Income-tax after the statement of the hon. Member for Guildford, because the flourishing state of the finances of India would be a guarantee that it would not be continued for more than three or five years. The most alarming ground for opposing this tax was, that if they once let in the wedge and admitted the principle, it would become a perpetual tax; if the permanent expenditure were to be increased in proportion to the amount levied by the tax, it might be objectionable; but the best way to prevent such an expenditure was to grant a tax to last for a short time. The tax could not have any reference to the affairs of India, for when, at the commencement of the Session, the right hon. Gentleman said, that he was ready with the budget, it was very evident that the Government had made up their minds to introduce some vigorous measures. He would not then enter into a discussion of the policy of the war in Affghanistan, or of the foreign policy of this country during the last few years, further than to remark that he viewed the extension of our Indian possessions with the greatest horror and distrust. The Russo-phobia which the noble Lord, the Member for Tiverton (Viscount Palmerston) had evinced in the documents submitted to Parliament, a feeling too much partaken of by hon. Members on both sides of the House, had led to the war in Affghanistan. It arose from a mistaken view of Russian influence, and instead of lessening that influence, every step in the war had led to the abolition of that barrier which the wilds of Affghan would have kept between Russia and our Indian possessions. It had been stated to him by able Russian diplomatists and officers, that if we produced by our interference an impression at Herat and in Affghanistan, it was absolutely necessary for Russia to undertake the expedition to Chiva, for the Indian tribes were moved by a kind of freemasonry, and if any European power seemed to receive a check, it would be fatal to its influence. Then the late Ministry had left China as an expensive legacy to their successors; the position of America also rendered necessary the preservation of a large force on the borders of Canada. Hon. Gentlemen opposite did not pretend that we could spare a single ship from our fleets watching the seas, or that we could reduce the army. It had been thought necessary, in the Oriental question, to bully Europe, it was deemed proper to attack Asia, a violent conquest of China was determined upon, Africa was to be civilized; it was said to be necessary to colonise Australia; and if right hon. Gentlemen opposite did all these things, we must incur heavy bills, and when those bills were brought in for payment, they must not refuse to honour them, or to provide the means of payment. The right hon. Gentlemen opposite then tendered a budget, which they said would go some way, and then said that they left to others to find out some means of making up the deficiency. It was clear, that the effect of the budget of the late Government had been overrated, for if corn had been at the price it now held, there would have been received under an 8*s*. duty little more than the year before, neither would the sugar duties have increased the revenue this year. There would have been a deficiency, and they would have had no means of improving the commercial tariff, and ameliorating the condition of the manufacturing communities at Manchester and elsewhere, who were looking forward with such sanguine hope to the result of the change now proposed. He approved, therefore, of the proposed means of meeting the deficiency. The question was not whether taxation was good in the abstract. It was easy to speak against the Income-tax, but it was a very thankless office to speak in favour of any mode of taxation. As the hon. Member for Bolton said the other night, two millions of taxation raised in one way, was not the same as two millions raised in another, and he thought, that they might take three millions by an income-tax with as little injury to the community at large, as they could take two millions from articles of consumption. I took the same view, observed the hon. Gentleman, in the year 1816; it was a view which was perfectly disinterested, for I had then only one constituent, and that constituent was the Duke of Newcastle. The Duke of Newcastle, after deeply considering the subject, came to the determination to resist the renewal of the Income-tax. His Grace communicated to me his feelings and wishes upon the subject. ["Hear, hear."] Aye, I wish you would hear, and you shall hear every word of it. I had considered this to be a most useful tax; I told him that I disagreed with his opinion, and that if there was any difficulty as to my vote, I would gladly accept the Chiltern Hundreds. He stated,

> "I have said the same thing with all my Members, but you need have no scruples about the matter, for I find that half my Members will vote for it, and half against it."

I am at the present moment in a different but an equally independent position, for I now represent a constituency of 3,000 voters, and they will exercise the same generosity as that noble Duke in desiring me to express my independent conviction. It was impossible for him, the hon. Member continued, to deny that there was inequality and unfairness in this tax, with all the advantages which belonged to it; but the same objection may be alleged against all taxes on consumption, and against all rates on occupation, which can never be adjusted to the ultimate ability of the party on whom they are levied, but have relation only to his immediate wants and means. The protection afforded to the subject for the time being, is the foundation of the claim of the Government or the municipal authority, to receive an equal proportion from each of his income for the time being, the benefit and the change are thus correlative, the question was, whether a sum equivalent to the deficit, could be raised from any other mode of taxation, which would not involve equal or greater evils. He believed, that no better tax could be adopted, considering the position of the finances of the country. It appeared to him, that the course resorted to, for the purpose of obstructing the measure, was not a very just or fair proceeding, when he recollected the approbation expressed on the benches opposite, when the First Lord of the Treasury opened the measure. On that occasion, he felt proud of being led by so able a statesman, he felt proud of his country, while it exhibited a noble spectacle, which had been admired by foreign nations for its oblivion of party feeling, when the honour and interest of Great Britain had been felt to be involved in meeting with vigour and probity financial difficulties, but he congratulated the House upon the probability of its failure; and when the time for the division arrived, he should most conscientiously give his vote in favour of the measure of the right hon. Baronet. Before he sat down, he would say one word in reference to a detail of this measure, which he thought deserving of consideration. He alluded to a regulation which had been already introduced, to a great extent, into our rules of fiscal Government, by which affirmations or declarations were substituted for oaths. This was a subject, he thought, well deserving the attention of the right hon. Baronet, and he should leave it in his hands.

Mr. *C. Buller:* I am far too much obliged to the House for the very long time for which it allowed me to occupy its attention on the subject of the Income-tax the other night, to think of troubling it by repeating any of the observations which I then made, with respect to the tax itself. I will only beg leave to remark, that by all that has occurred since that evening, those convictions which I then expressed have been forced upon me with greater strength than I felt before. First, we have had some language from the right hon. Baronet, which appears to me to be peculiarly ominous as to the duration of this tax. When the right hon. Baronet first proposed this tax he spoke of it as one which was to be imposed for three years only, barely hinting at the remote and improbable possibility of its being continued for a longer time. A few nights afterwards, the right hon. Baronet appeared peculiarly careful not to limit the tax to a duration of three years. On a subsequent occasion, he spoke of five years; but what alarmed me still more was, that he would not assure the House that it should be taken off even at the end of five years, but said, that it would then be taken into the consideration of the Government, and that, according as public feeling, and the feeling of the Ministry might be, the Government would consider whether a continued revenue from such a tax was requisite. I must say, in spite of all that has been said, of the great satisfaction with which this tax has been received, that I have seen such indications of public feeling against it, that I am sure, that when it comes into operation, and the people feel its pressure, you will have a constant agitation going on against it—an agitation which will be continued until it is successful in its effort to procure the abandonment of this impost. Therefore it is, that I see this step taken with alarm, because, instead of giving stability to the finances of the country, it will only have the effect of placing a large portion of the revenue of the country on a very insecure ground. And hence besides the mischief, of producing a general apprehension for the credit of the country, it really will expose it to some peril. I am indeed, loth to enter into a discussion of the arguments which have been brought forward on this subject, because in doing so I should have to enter upon a wide field of recriminatory observations, which appear to me to be irrelevant to the question at issue. For not only do I not much relish, but I really can not see the logical bearing of all those recriminatory arguments which have been urged. This is in some degree the fashion of them. We say that this tax is an unequal tax. "Ah! but," say hon. Gentlemen opposite, "did you not give us the war in Affghanistan?" We say it is inquisitorial. "How can you think so," say they, "when you remember China?" We say, that it is unnecessary. "But," say hon. Gentlemen opposite, "you deprived us of the revenue derived from the Post-office." [*Cheers.*] And that cheer of the hon. Gentlemen on the other side of the House reminds me, that whenever these arguments are advanced, however irrelevant and absurd they may be, Gentlemen on the opposite benches are ever ready to cheer, provided they be sufficiently personal, without the slightest consideration of their utter inapplicability. But suppose—what indeed it is impossible to suppose—that you should happen to be right—that there should be some sense in what you say—I mean, of course, suppose that your reproaches should be valid, how could they bear out your inference that I ought in consequence to support the Income-tax? Suppose you made out to me, that I placed the country in its present position—that I took away its revenues, and increased its expenditure, does it follow from that, as a logical result, that therefore I should vote in favour of a proposition for supplying the deficiency by means which would only, in my opinion, increase the evil? That is an argument which can surely have no force; but I am sorry to say that a great deal more weight is attached to party hits than to solid argument. And after all, supposing that there is in all these arguments of recrimination anything to which any attention is due—are they arguments which hon. Gentlemen opposite have such a particular right to employ? Do they not hit them sometimes as well as us? They tell us that all the increase of expenditure is owing to us. They are particularly fond of referring to the Chinese war. We had a long debate in this House two years ago upon this subject, and the position then taken by those who defended the policy of the then Government was never refuted. We said that this dispute was attributable to the policy of the Government and of this House nine years ago, when, in spite of all practical authority on this subject, the China trade was opened, and some collision was rendered absolutely inevitable. Of that policy the House approved; and some Gentlemen opposite, were actually parties to it. You then are as much chargeable with the war in China as we are. Then the expenses incurred in Canada were referred to. Upon this subject every body must know that this is a reproach which I might urge against the late Government, because I voted against almost every one of the measures proposed by that Government in which the disorders of Canada, and the consequent expense of repressing them originated. But how does the case stand with reference to those who bring forward this argument? What part of the Canadian policy of the late Government was there of which they did not approve? Unpopular and odious as those measures were to the people of Canada, what measure of violence was there which they did not back up? And let me remind you that it was the language of one of the despatches of the noble Lord the present Secretary for the Colonies, that mainly contributed to the result which was produced, by the offence which the people of Canada took at it. A facetious county Member—a county Member, at least, who was facetious after the manner of county Members, told us, that one of the legacies which the late ministry left to their successors was that of the disputed boundary in America. I should have thought that that gentleman's information, or, at all events, his respectable age, would have enabled him to know upon what horse to place the saddle of this question. Allow me to introduce him to the right hon. Gentleman the Chancellor of the Exchequer; allow me to present to him the distinguished negociator of the treaty of Ghent—the gentleman to whose industry and energy it is, that after a long-continued negotiation with America, we did succeed in securing a right of passage for British vessels through an impassable branch of the St. Lawrence. This is the gentleman in whose adoption of the dubious words of the treaty, this dispute had its origin. It was to that right hon. Gentleman that the care of settling this dispute was committed; it was he who might, in the year 1816, before the territory was of value to any one, have settled the dispute easily; it was his carelessness or mistake which entailed upon his successors the difficulty of a negotiation, to which I confess I can hardly see any satisfactory result. The only chance of such a result proceeds, in my opinion, I am bound to say, from my high opinion of the noble Lord, who is now entrusted with the negotiation of this question, and who, I believe, will if any man can so conduct the negotiation upon that, and the other more difficult questions pending with the United States, as to bring about the best results. The hon. Gentleman proceeded to say, that they were then told that if any bad blood existed between this country and France, it was attributable, as the hon. Member for Bolton had suggested, to the Syrian expedition to which we made ourselves parties. But the hon. Member for Bolton was consistent: he had from the first disapproved of the policy which had suggested that step. But had hon. Gentlemen opposite also disapproved of it? It was palpable to the world, that they had participated in it—the noble Lord the present Secretary for Foreign Affairs, (having, as is well known to all persons conversant with what then passed) unequivocally approved of the treaty of the 15th of July. Then came the question of the Affghan war, in reference to which certain predictions of the Duke of Wellington were adverted to, and the noble Lord (Lord Stanley) had reminded the House that his Grace had then uttered oracles like Cassandra's, warning an inattentive country that its success would lead it into danger. But hon. Gentlemen opposite had no more heeded that warning than those on his own side. They had, indeed, given notice of a motion for an inquiry into the matter, but startled perhaps by the news of the first successes of our arms, they withdrew that notice—they abandoned their attack, and, by a silence more significant than language, gave their approval of a policy which they durst not condemn. If gentlemen opposite disapproved of our policy with respect to these regions, why had they not pursued another course? For if they had then entertained the opinions they now expressed, they would have made similar complaints against our policy in Affghanistan to those which the right hon. Member for Dorchester (Sir J. Graham) had not scrupled to make against another portion of our foreign policy in his China motion. In their anxiety, however, to get credit for knowing what ought to have been done on any particular occasion, they always manifested a singular forgetfulness of what course they had actually taken at the time. They could not, he thought, expect to get much credit for a foresight which as he had once before remembered, never displayed itself until the result was actually known; but they must be content to be classed among those reasoners, of whom events are said to be the only masters. In the same way he would now proceed to ask with what face could hon. Gentlemen opposite urge the charge of extraordinary and unnecessary expenditure which had been brought against the late Government. He would ask on which or in how many of the several votes proposed by the late Government did Gentlemen opposite support a reduction? He confessed he could not recollect more than two or three at the very utmost. There was one vote about the income proposed to be given to Prince Albert by which Gentlemen by their conduct saved the country 20,000*l.* a year; and the other occasion which he recollected was the attempt to cut down the scanty grant to Maynooth College. These were the only votes which he recollected that they had ever given on the side of economy. On all other occasions what happened? Why, when the army estimates were before the House, the military Gentlemen opposite cried out against the injustice done to the army, and said, that there were not sufficient men kept up to retain and defend our possessions in case of attack, and that the British army would be destroyed in case of a sudden war, in consequence of the miserable system of economy that had been adopted. Again, when the navy estimates were under consideration, he heard hon. Gentlemen opposite who were officers in that branch of the service complain of the inefficiency of the navy, and exclaim against the economy which led to its decay. He did not recollect a single instance of Gentlemen opposite connected with either branch of the service coming down and complaining of the large amount of the votes to the army or navy, and calling for economy. Some hon. Gentlemen had also complained of the great reduction in taxation which had been made within those few years. No doubt there were somewhat too many taxes taken off soon after the Reform Bill came into effect; but Gentlemen opposite must be aware that the Government and the House were induced to give up much in this respect, chiefly owing to the pressure of public opinion. This was particularly observable in the case of the house tax. He would ask, however, whether the noble Lord the Secretary for the Colonies, and the right hon. Baronet the Secretary for the Home Department, were not members of the Cabinet which took off the house-tax. They were as much parties as any members of Lord Melbourne's Government to taking off this tax, which produced 1,500,000*l.* a-year Did the right hon. Member for Tamworth ever object to the remission of this tax at the time, or did he say, that if the House took off the house-tax, that it must lay on a property-tax? The right hon. Gentleman was fully aware, that on that occasion the House and the Government bowed to the irresistible force of public opinion, and he remained silent. Some hon. Gentleman also had said, that the reduction with respect to postage was a matter of great blame to the late Ministers. But how and by whom he would ask were the Ministers supported in the change in the Post-office? Their usual majority, generally of about twenty, swelled upon that occasion to 100; and many Gentlemen who were amongst the ranks opposite voted with them, and amongst others who did so was the noble Lord, the present Postmaster-General, a Member of the Cabinet. ["No."] He wished then that he were, but at any rate he was a Member of the Government. But this was a serious charge against the late Government; if these taxes should not have been taken off at all, and could have been kept on, why do you not, when you complain of the deficiency of the revenue, put them on again? If you, with your majority, entertain the opinions which you express, and if you reproach us with the reduction of those taxes, why not put on these taxes again, which you say should never have been taken off? You do not charge the late Government with having, by unwise financial and commercial policy, or by the mode in which they administered offices, so impoverished the country, as to have made it incapable of paying taxes. You do not charge them with having entailed such losses and disasters on the country as were calculated to ruin it, but you merely say, that they have taken off certain taxes improperly, which you cannot summon up courage to put on again. There was another topic which had been taken up in the course of the debate, the tone of which he could not sufficiently condemn, coming as it did from Members of the Government. He never recollected an instance before of such deliberate and repeated attempts being made from such a quarter to depreciate the resources and condition of the country. A great deal had been said with respect to the disasters in Affghanistan, and he must add, a great deal more than ought to have been said on an occasion like the present. If the grief of Gentlemen opposite was so great with regard to the unhappy affairs which had occurred in that country as they wished to make it appear, he thought that they would have adopted another course on the subject. He believed, that if their grief had been really great, and their sorrow sincere, it would have been, perhaps, rather more silent. Those who really felt acutely on account of such a disaster, would not have come forward and prated of it in the House of Commons; and if they had respected the memory of those brave men whose bones lie unburied amid the snows of the Indian mountains, they would not have desecrated by using them as missiles of party warfare. He well knew how apt party feeling was to induce us to form unfair prospects of the conduct and arguments of political opponents; but he never had seen this disposition carried to so great a length as during the present debates. He had heard with great pain a misrepresentation last night by the noble Lord, the Secretary for the Colonies, of the language which fell from his right hon. Friend, the Member for Edinburgh. The noble Lord, on its being pointed out to him, came at once forward as a man of honour, and retracted the observations which he had made; but this was not the case with respect to the cheer which followed the noble Lord's misstatement; that cheer remained unretracted; those who, by allowing it, had recorded their approval of a statement acknowledged to be unjust, had made no reparation for it; but remained still responsible for a cheer, which in his opinion was the most discreditable that he had ever heard in the House of Commons, for it was the cheer of bad feeling and bad taste. The right hon. Gentleman at the head of the Government was so determined to make out the present as the worst of all disasters that had ever occurred, that he had manifested a good deal of irritability at any allusion to the disasters which had attended our arms elsewhere than in Affghanistan, and more particularly that of Walcheren. He had always been accustomed to look on the Walcheren expedition as the most disastrous one that had ever been attempted by a British armament, and he was, therefore, a little surprised at the irritability manifested at the comparison. He found, however, that the right hon. Baronet's very first speech in Parliament, in the year 1810, was in defence of that expedition. The right hon. Gentleman and other Members opposite, whether nominees of the Duke of Newcastle or other noble Lords, knowing the amount of the majority they possessed, were not satisfied with negativing the charges and complaints of the Opposition, but actually came forward with a direct vote of approbation for the planning of the expedition, as well as the mode in which it had been carried into effect, and expressly voted in favour of the wisdom and good conduct exemplified both in the conception and in the execution of those operations. He did not wish to reproach the right hon. Baronet with the opinion which he had then entertained, but he did think, that when he could form and express so very favourable an opinion of that unfortunate expedition to Walcheren, he might have been a little more charitable under present circumstances, in his judgment of the disaster in Affghanistan. Another point of the right hon. Baronet's speech which depreciated the resources of the country, was his allusion to a deficiency in the revenue of India, which the right hon. Baronet stated might ultimately fall upon the revenue of this country. The right hon. Baronet had, as usual, gradually insinuated this fallacy into their minds. At first he had merely alluded to this Indian deficiency as a contingent cause of some undefined embarrassment. Afterwards he had gone on dwelling more and more on it, until he put it so strongly in the speech which he addressed to the House on Friday, that Gentlemen opposite had now got into the habit of assuming, that this India deficit was to be treated as a part of the deficit of our finances, and that so there was a deficiency in the annual income of the country to the amount of 5,000,000*l.*, and that the country would be called upon to make up the whole sum. [Sir *Robert Peel* asked who had stated so.] The hon. Member for Nottingamshire (Mr. Gally Knight) said so distinctly in his speech of yesterday. The right hon. Baronet now said, that England was not to make up the whole of the deficiency. If England was not to make up the deficiency of the Indian revenue, leave it out of your calculations. Leave Indian finances, to the consideration of the Indian Government, and on every account leave it out of these debates; for you now admit, that it has nothing whatever to do with the Income-tax. He confessed, when he first heard the observations of the right hon. Baronet with respect to the deficiency in the Indian revenue, that it made an impression on him, and he had no doubt, that the right hon. Gentleman's language had produced an effect on the country, and that many old persons of both sexes had been greatly alarmed at such a declaration. They would exclaim, "What! a deficiency in the Indian revenue as well as in the revenue of this country. This is another instance of the rapacity of the villainous Whigs, whom not only the revenues of England, but not even the wealth of India could satisfy. After this, nothing else will do but to cut off Lord John Russell's head." He had thought at first, from the right hon. Baronet's mode of speaking of it, that the present deficiency in the Indian revenue was a remarkable instance of the kind, but he found that this was not the case. There was almost a constant deficiency in the revenue of that country until a few years ago. This habitual deficit had not ceased until the Government of Lord W. Bentinck whose economy in the administration of the affairs of that country the party opposite had always made a matter of reproach to that nobleman. This was, then, by no means the first instance of a deficit in the Indian revenue? But had any Chancellor of the Exchequer, before the present one, ever urged this deficit as a ground for taxing the people of this country? Only look to what had been the history of the revenue of India. In the five years prior to 1814, the deficiency was 516,000*l.*; in the five years to 1819, it was 736,000*l.*; in the five years to 1824, it was 2,610,000*l.*; and in the five years to 1829, it was 2,781,700*l.* In addition to this, the Indian government had to provide, during the latter period, for the charge of the Burmese war and other expenses, and were compelled to borrow 13,000,000*l.* For many preceding years our Government had been taking off taxes right and left, without once giving a thought about the deficiencies in the Indian revenue. It was reserved for the year 1830, however, to witness the most extraordinary reduction of taxation ever made at once by a Chancellor of the Exchequer, who had to meet a deficiency of nearly 3,000,000*l.* in India. The right hon. Gentleman, the present Chancellor of the Exchequer then held the same post; and he would ask him if, when he came down to the House with his budget that year, he then called on the Parliament to consider the deficit in the Indian revenue? Did the right hon. Gentleman then, according to his present plan, talk of a deficiency of 2,878,000*l.*; half as much again, by the by, as the deficiency regarding which such an outcry was made now? Did he then propose, that the people at home should meet the deficit in the revenue of India; that we should bear an Income-tax in order to meet the excess of expenditure over the income of that country? Not a bit of it. The right hon. Gentleman did no such thing. In the face of this awful Indian deficit, he came down and proposed to take off the beer-tax—a tax which brought in a revenue of 3,000,000*l.*, and which, being taken off, might be supposed to leave a further deficiency to that extent. But the fact was, that the Indian Government had always been able to cope with their own financial difficulties, and there was no reason to suppose, that they would not be able to do so now. Their debt was, after all, no such very serious matter. What was it? Why, its extent was 32,000,000*l.*, or not more than a year and a half's income. The East-India Company, when they enjoyed a great commercial monopoly, and carried on a most extensive commerce, generally found, that at the end of the year there was a deficiency in the revenue; but since they had been restricted from engaging in commercial pursuits, and been obliged to look to the resources of the country they held for their revenue, their deficiencies of revenue had, till very lately, been very little. It was stated, that there was at present a deficiency to the amount of two millions, and were the people of this country to be frightened out of their propriety by this bugbear of an Indian deficiency? Were they to be called on to bear an Income-tax on such an account as this? Let them not be affrighted by such a story; let them not be scared by a tale which was trumped up now for the first time, not because there was anything in it worth consideration, but because it went to supply the place of more substantial arguments that were wanting. In addition, however, to the increase of expenditure owing to war, there had been another obvious cause of the present deficiency in the Indian revenue which had not been adverted to by either the right hon. Baronet, or the noble Lord, namely, the falling-off in the revenue of the Company on account of the proceedings which had taken place with regard to opium. Were they going to charge the deficiency in the opium revenue on her Majesty's late advisers? Why, it was their own particular friend and *protegé*, the Emperor of China, who deprived India of that resource; so let them not blame the late Government for that. It appeared to him, that the deficiency was not of that alarming character which had been described, and even with the war of Affghanistan he did not believe, that India would have to contend with the same fiscal difficulties which it had to meet in order to carry on the Burmese war. But he would quit this subject of the topics of the debate, and he frankly owned, that he did so with the more pleasure, because, as it seemed to him, a really large and inviting question of principle had been submitted for the decision of the House by his noble Friend, the Member for the city of London. Certainly, the noble Lord had adopted a very different course on this question from that which had been pursued by the right hon. Baronet opposite on like occasions. The right hon. Baronet had always been most explicit as to what he would not do, but most cautious in stating anything respecting what he intended to do. The noble Lord, however, had fairly laid his own plan down for consideration. It might be said, that he was taking an impolitic course in thus running Budget against Budget, but, whether impolitic or not, the proceeding was fair and manly, and one which could not but meet with general approval. Now, the noble Lord who had spoken last night (Lord Stanley) had said there were some points on which the supporters of the Income-tax and of the resolution in amendment were mutually agreed. Both parties were agreed as to the fact of a deficiency, which must be supplied by some new tax, and both were also agreed on that which seemed to be a new discovery with hon. Gentlemen opposite, namely, that trade, commerce, and manufactures were in a languishing state and required an alteration of the tariff to give them full play and opportunity for restoration. Now, being satisfied with the fact of hon. Gentlemen opposite having made this discovery, he would ask the House to compare the two plans under their consideration. They must recollect that both plans adopted the necessity of taxation, and also the principle of free-trade, in a greater or in a less degree. The right hon. Baronet proposed to obtain the means for meeting the ordinary expenditure of the country and the extra cost entailed by his free-trade experiments, by a large amount of direct taxation, imposed upon the people in its most oppressive and obnoxious form. He proposed, also to maintain the great monopolies, and for that purpose he had sent up his Corn-bill to the House of Peers, whilst, in order to make some show with the principle, he had dealt vigorously with a number of little matters. On the other hand, let them look at the plan of the noble Lord.

The noble Lord at once boldly grappled with the great monopolies. He proposed to make a great alteration in the duties upon the chief necessaries of human subsistence which at the present time were unduly taxed; and from this source, with the additional pressure of only a comparatively small amount of taxation, he proposed to make the revenue equal to the expenditure. These were the main characteristics of the two plans, and he would confidently ask which was the best, the fairest, and the most calculated to benefit the people. An hon. Member who had spoken on the other side had with vast arithmetical ability entered upon a calculation of the greater amount of saving to the people which would arise from a reduction of the sugar duties than from freedom from the Income-tax. Now, the hon. Member might be right, but if he were right, he certainly ought not to forget that the proposition to alter the sugar duties happened to no part of the present budget, but was part of the plan of the noble Lord. This should be remembered before they could answer the question as to which plan was the more likely to give relief to the commerce and the people of the country—the plan which dealt with the minor or that which was intended to operate on the chief monopolies? The plan of the right hon. Baronet might be good as far as it went, but its order of free-trade was a wrong one. Unfortunately the poorer classes of the country were unable to consume butcher's meat, and certainly none of them consumed much copper or tin ores, but all the people consumed bread and sugar, and relief from the taxes on those articles would come home immediately and largely to all. But they were told of the benefit of the Income-tax to the poor classes of the people—of the immense advantages they would derive from it—of the small extent to which it would burden them. Why, with what object did they impose this tax, but to maintain and keep up the worst system of taxation with which the working classes could be oppressed—a taxation which made their bread and their sugar dear—a taxation which prevented their enjoying all the luxuries and most of the necessaries of life? The hon. Gentleman, the Member for Brecon had said, that he had told his constituents most emphatically that he would never consent to a tax upon bread for the purposes of the public revenue. The hon. Gentleman, however, had not gone far enough. He should have finished by telling his constituents that he would not consent to the imposition of this tax for the benefit not only of the State but also not for that of any persons besides the State. And now, if he might be allowed to diverge to a somewhat curious and rather nice question, he would take the liberty of addressing himself to a part of the subject, which he would argue with candour, and to a class of his hearers whose good opinion he was very desirous to conciliate, He would take leave to ask the Gentlemen who represented the protected interest in that House, which of the two plans before them they conceived the best for those protected interests on the whole? And in the outset he would take leave to observe that he thought the right hon. Baronet had acted with great unfairness towards all the protected interests. He was quite sensible that the adoption of this principle of free-trade could not but be accompanied with harm and injury to some parties. It was impossible to deal with such a measure without doing harm to some, but the people who suffered surely had a right to say, if you injure us by free-trade, relieve us by free-trade. The parties who complained —the cork-cutter, the leather-dealer, the liquorice grower, whose claims were urged by his hon. Friend the Member for Pontefract — his own constituents who were more especially interested in copper —all these, all the parties who felt they had any right to complain of a loss of protection were surely justified in calling for relief, if the same principle which operated against them could be made by its application to another class of articles to work in their favour. All parties had a right to say, "Let us all start fair;" The right hon. Baronet had been very eloquent in stating objections to throwing open the corn trade, on account of the peculiar burdens sustained by land; but he had quite kept out of view, and, unfortunately, out of his recollection, the peculiar burdens which the trading interests were subjected to for the benefit of the landlords. But he would ask Gentlemen opposite, who belonged to the favoured class—to the agricultural interest—an interest, he begged to say, that he for one never for a moment wished to see stripped of any part of its just power and its due influence—he would ask them what they really thought of the plan of the right hon. Baronet, as compared with the plan of the late Government, in the ultimate effect which the one and the other were calculated to produce upon their interests? Were he called upon to do what he thought most advisable for their real interests, he would, in the first instance, take away that protection which was more especially obnoxious to the country—that protection against which the people most loudly inveighed—that protection which constituted the great evil, the increasing price of bread—that protection which animated the Anti-Corn-law League. It was cheap bread that the League, on behalf of the country, wanted. Cheap butchers' meat was not their rallying cry, and still less cheap boots. The right hon. Baronet very kindly diminished the protection on barley, and oats, and Canada timber, and so on; but let hon. Gentlemen opposite put the question to themselves, whether, by acceding to such reductions of protections as these, they thought they diminished the public feeling against the Corn-laws, and whether they did not acknowledge to themselves that this feeling must go on increasing and increasing, year after year, until it triumphed to the fullest extent. The fate of the great monopolists was sealed; they must give way ere long; and though he did not think that the right hon. Baronet had taken the most fair or humane mode of bringing it about, he certainly had taken the most effectual, by his summary mode of proceeding with all the minor monopolies, and thus leaving the great monopolies alone and unsupported. With this feeling as to the approaching removal of the master-evil, he should lend the right hon. Baronet his cordial support in all the improvements which he proposed in the tariff. He was sorry, from the manner of the right hon. Baronet, that his offer of support was not received with the degree of gratitude which he naturally ought to look for; but gratitude was one of those feelings which grow upon emergencies, and there was little doubt that, after a few nights on the Tariff debate, the right hon. Baronet would show himself somewhat more grateful to those who expressed any intention of yielding him their support. He did not wish to deal in retort, but there was one topic in the speech of the noble Lord the Member for North Lancashire to which he could not help adverting. It was that in which the noble Lord stated, that the plan of his noble Friend had been scouted by the voice of Parliament, and that its condemnation had been fully pronounced at the last general election. He rejoiced at the judicial phrase which the noble Lord had introduced, for he would ask the noble Lord by what means that condemnation had been brought about? Did not the noble Lord know how often false evidence was resorted to for the condemnation of innocence? Was the evidence adduced at the hustings fair evidence, when it was stated that the Government of the right hon. Baronet would when in power, resist to the death every and any alteration of the Corn-laws? He hoped the noble Lord would excuse him, if he referred to what took place in Lancashire. [An hon. *Member:* South Lancashire.] No! in the North as well as in the South of Lancashire. When the budget of his noble Friend lately at the head of the Government was discussed on the hustings of North Lancashire, what was the character given of it to the farmers of that county, by the noble Lord (Lord Stanley)? Was it not such as would induce them to hang, without hesitation or remorse, any budget which might be arraigned before them on such testimony? They were told there was a place called Tamboff, in Russia, a place by the way not much bigger than Yorkshire, which annually grew 38,000,000 quarters of wheat, a quantity double the amount of the consumption of this whole island, and that the consequence of an 8*s.* duty would be, that all that quantity of corn would come in at a price of 13*s.* 4*d.* the quarter. He did not know whether the noble Lord stated the amount in rubles, but at all events he translated it into English currency for the benefit of his hearers. When the farmers were told this by one whom they presumed to know much more of the matter than they themselves could do, they of course at once agreed to a verdict against a budget which would let in 38,000,000 quarters of Tamboff wheat at this low price. The noble Lord was perhaps unacquainted with statistics, however deeply he might be versed in other politics, and perhaps derived his information from some other authority, but if the noble Lord was so "let in" on any authority, who could blame the Lancashire farmers for swallowing the bait on his? There could be no doubt in the minds of any one who knew the high character of the noble Lord, that in this matter he had been deceived; that he himself had taken in the little misconception about Tamboff and its productions; and, indeed, the right hon. Baronet opposite, he believed, was the first Member of the House who had shown himself labouring under so extraordinary a delusion; but, at all events, it was not to be wondered at, that what the noble Lord had taken in, the poor farmers, too, should have swallowed. This was a mistake on the part of the noble Lord; but was some of the other evidence brought forward on the hustings and elsewhere among the people, against the late Government and their budget, equally a mere matter of mistake? In Lincolnshire, among other counties, had not one Gentleman after another assured the farmers that they themselves, wise people, living half the year in London knew everything that was going on, were as well acquainted with the future Premier's intentions as he was himself, and that the right hon. Baronet was not going to alter the Corn-laws a bit, and that were he to exhibit such a tendency for a single moment, they would throw all their weight into the scale against him and turn him out; yet these Gentlemen, who contented themselves by supporting the Corn-laws by a ludicrous sham opposition to the right hon. Baronet—these gentlemen, with pledges unredeemed, with promises violated—these gentlemen were among the loudest in cheering the assurance that the late budget had been condemned at the late election. He meant no personal disrespect to the hon. Members for Lincolnshire, but really Lincolnshire had of late held so prominent a part in the debates, that when one wanted to typify agriculture, he naturally said Lincolnshire. Before the late budget was to be set down as really condemned, let it have a new trial, side by side, with the alternative budget now proposed; let the whole case be laid before the country in its real bearing and extent, and it was a very great question whether the majority of constituencies would again spend their time and money on behalf of the persons and party whom they had recently favoured. But, for his own part, he had no sort of wish that this new trial should be had just yet. He would rather that the country should have more experience of the promises so frequently made and so suddenly falsified. He would not ask for a fair hearing for the old budget, nor did he think it could have one until it was seen who were the supporters of the new tariff—until it was known in what manner the Poor-law would be disposed of,—and until it was ascertained how punctual the present Government would prove in fulfilling the other hopes which had been held out, and the promises which had been made by its present supporters. Upon this point of the Poor-laws, however, he must do the Government the justice of saying, that he had seen no inclination on their part of shrinking or truckling on this subject; their conduct in this matter, more especially that of the right hon. Member for Dorchester, did them great honour. On what ground then did those who used the Poor-law on the hustings hope to find that the right hon. Baronet would prove more pliable upon that question? Would those who complained that the poor of this country were shut up in bastiles—that man and wife, parent and child, were separated—that all the laws of morality and religion were violated at the will of three devil-kings—insist that such a state of things should continue, to preserve in power the best of all possible Governments? When these questions, to which the attention of the country was now closely turned, were once decided, then, and then only, could a fair verdict be pronounced as to the merits of the two contending parties. In closing the observations which he addressed to the House, he would adopt the metaphor which had been already used by an hon. Gentleman opposite, and adhering to his legal illustration, conclude in a testamentary spirit. The hon. Member for Nottinghamshire had entertained the House with a description of a will, which, according to him, the late Government left behind them; but the will set forth by the hon. Gentleman was not the real will, it was a spurious one the hon. Gentleman had picked up in the street somewhere, in some corner. The will which the late Government left was made publicly, and promulgated in the face of the country. It ran somewhat thus: — My noble Friend, finding that his Ministerial existence was approaching to a close, called his friends around him, and through them spoke to the country thus:—" We are not exactly in a position now to do as much for you as we could wish, but you will remember, that that is because we have done so much for you before. To you, electors of England, we have given the elective franchise, which you have just used against us. To you, Roman Catholics and Dissenters of England, we have given religious equality and religious freedom. To you, negroes of the West Indies, we have given personal freedom." [*Some marks of dissent.*] He thought he might claim those boons for the major part of the Ministry of which his noble Friend was a Member. He might claim for the Liberal party the credit of these triumphs, owing solely to their exertions, which they supported through years of opposition; and when they succeeded to political power and predominance, the first use they made of it was to carry those measures. They might have said to the inhabitants of every town in Great Britain, "To you we gave the enjoyment of municipal privileges, and freedom from the disgraceful corruptions of your corporations. We have one thing besides left to give you, and we intended to give it—commercial freedom, and the cheapening of the necessaries of life." They might, perhaps, have added, with a little self reproach, "We ought to have provided for this before; we are conscious that our neglect puts you in a less favourable position to assert your rights; but we have done thus much—we have placed you in a position to stand bravely up in defence of your just claims, and however powerful the interests now arrayed against you, and however weakened our hands may be at present, be assured that the cause of truth, and justice, and national expediency, must triumph over every adverse interest." They might further have added:—"To this our last will and testament, we appoint as executors, those who have hitherto been our constant opponents; to them we leave it, the first moment they acquire that power for which they have been so anxious to grapple with the prejudices which they have fomented, to carry out the policy which they have obstructed; and, above all, to vindicate the memory and character of those whom, through ten years of hostility, they have unsparingly, unceasingly, and unscrupulously defamed."

Mr. *Borthwick* was well aware that he owed an apology to the House for offering himself to their attention after the eloquent appeal which they had just heard, and not only at the late period of the debate, but at that late hour of the evening. Whatever might be the generosity of the late Government in bequeathing the legacy to which the hon. and learned Gentleman who spoke last had alluded, it was quite evident that the heirs to which it had been left were not prepared to administer to it, and that those to whom its execution had been entrusted were not likely to take the duty of executors in a very kindly spirit. Whatever might be the merits or demerits of the plan which had been proposed by her Majesty's Ministers for supplying the deficiencies in our finances, it was certain that the House and the country generally had pronounced a decided negative on the plan of the noble Lord opposite. Now the real question for consideration was not how the financial difficulties under which we suffer had been produced, but what were the means by which we were to extricate ourselves from them, and it was of little importance to those upon whom the duty had fallen whether those difficulties arose from the mismanagement of the late Government or from want of forethought upon the part of those who had preceded them. It was enough to know that grave deficiencies, the heavy accumulation of years now required to be made good. The business of the House was, therefore, to inquire how those deficiencies could be best supplied consistently with safety to the country and justice to all parties concerned. In reference to an observation which had been made with respect to the affairs of India, as connected with our financial difficulties, he should observe that it was not for him to inquire whether the right hon. Baronet had specially conceived the case of India when he was framing his measure. It was enough for him to know that the affairs of India were at that moment such as to require that our financial means should be immediately strengthened. It had been stated that there ought to be a distinction made between the financial loss which would result from the occurrences in the East and the loss of human life that had resulted. God forbid he should institute any comparison between things so essentially and widely distinct. But it ought to be recollected that we did not know to what extent the financial deficiencies might be increased in consequence of those occurrences, for a great deal would depend upon their moral effect in India. It was upon that moral effect that it would depend whether the additional financial loss would be great or small, but whatever might be our ultimate financial loss, there could be no doubt that formidable danger threatened us in that quarter, which if not speedily and vigorously checked, might eventually lead to the loss of that mighty empire. When it had been urged on that House that British arms had never before suffered such a defeat, it was stated, in answer, that something like a similar disaster had occurred during the war in America. Yes, but he (Mr. Borthwick) would ask, did they not lose America shortly after that disaster? Did they wish to preserve India? Then it was neccssary to convince those upon whom those occurrences might have a moral effect, that British valour was indomitable, and could not be overcome, and that British policy was just and could not be out-manœuvred. If it were necessary to increase the number of troops in India and China, was it not also necessary to increase the means by replenishing our Exchequer? Whatever might be said by the hon. and learned Gentleman who spoke last as to the course which hon. Members who supported the measure of the right hon. Baronet had adopted, he (Mr. Borthwick) could say for himself that he had been sent to that House by his constituency without being bound by any special pledge or ties as to his conduct in that House, and he should therefore always give his most mature consideration to any proposal for the improvement of the country, without reference to what minister brought it forward. He was of opinion that the measures which the right hon. Baronet had proposed ought to be taken as a whole; and that, in viewing his exertions to supply the existing deficiencies, they ought to look upon his policy as calculated not to affect a temporary deficiency alone, bnt also to affect the ultimate fortunes of this great country. It was customary to hear it stated in that House that great distress existed amongst the commercial community, and that that distress had been created by the Corn-laws. But when hon. Members made statements of this kind, did they forget what changes and what social revolutions had taken place in great empires? The Peninsula at one time consumed 14,000,000*l.* of our manufactures annually, and never less than 8,000,000*l.* The revolutions that had taken place in the Peninsula prevented them from being consumers of the manufactures of this country to the extent of fifties for each precedent thousand. [*Interruption.*] He threw himself upon the indulgence of the House. He knew the inconvenience of the hour, but he was compelled by imperative duty to entreat the patience of the House. He had for every successive night and hour of the debate sought in vain for the Speaker's eye, and he was sure the House would now permit him to proceed with the few observations he had to offer in explanation of his vote. [*Cries of* "Go on," *and of* "Divide," *and of* "Adjourn."] If he found he could not proceed, he must beg leave to move that the debate be now adjourned. [*Cries of* "Go on," *and of* "Divide," *and of* "Adjourn."] Those causes which he had enumerated were some of the causes of the commercial distress and not the Corn-laws. [*Renewed interruption.*] As he found that certain hon. Members were determined to interrupt the proceedings, he would now move that the debate be adjourned. [*Cries of* "Divide," "Bar," "Adjourn."]

The *Speaker:* Am I to understand that the hon. Member moves the adjournment of the debate?

Mr. *Borthwick* said he was in the hands of the House. [*Cries of* "Go on."] He did not wish on the one hand to force himself on the House against its will, but on the other hand he would not consent to suppress the arguments which he was prepared to bring forward. He would, therefore, move the adjournment of the debate, unless the House would give him a hearing. [*Cries of* "Spoke," "Divide," *and interruption.*]

The *Speaker* then put the question of adjournment, and the gallery was cleared for a division, but the hon. Member was called on to proceed.

Mr. *Borthwick* confessed he was surprised at the quarter from which these interruptions proceeded. For they did not come from hon. Gentlemen opposite, but from those around him, who with this signal ingratitude met the steady services of years in that cause which they pretended to have at heart, but did not understand; they seemed to be careless of the distinction conferred upon them by the noble Lord opposite of having heads composed of the thick clay which they imagined they could protect. They might proceed in this conduct, unworthy of them in that House and of any but them out of it; they might violate courtesy, decency, and gratitude in safety, for they could not affect any vote he would give in that House. He had placed himself in ungenerous hands, but he had proved for years that his conduct was based upon principles more stable than the approbation or disapprobation of any party; and he trusted, so long as he had a seat in that House, he would continue to act upon the same principles. He could not avoid viewing with some jealousy the measure which had been submitted to the House by the right hon. Baronet. If the circumstances of the country obliged the right hon. Baronet to call for an Income-tax, not of 3 but of 30 per cent., there was no amount of sacrifice which the country was not prepared to submit to when its honour, and those great interests of humanity which were involved in its honour, called for that sacrifice. He believed the right hon. Baronet would obtain most readily the amount of income which he required. But he could not look upon the Income-tax or the tariff which the right hon. Baronet had proposed without viewing them in connexion with the speech which he had addressed to his constituents at Tamworth, and through them to the country. In that speech the right hon. Baronet stated that he saw in 1830, in consequence of events in France, the necessity of forming a great party in this country, which should be made up of moderate men of all parties—that it should contain sufficient Conservative spirit to maintain the great institutions of the country, but that it should also contain sufficient liberality of sentiment to keep pace with the spirit and necessities of the times. This spirit had been greatly changed in its character and urgency by continental changes. We were now in a peace of five and twenty years, but it has been and is a peace of feverish and troubled excitement, like the uneasy slumbers of one on whose senses press the changing forms of some horrid incubus. In that time the greatest thrones had been upset, the most ancient lines of royalty changed. France, Spain, Portugal and Holland had felt the effects of this spirit, yet in some sort the right hon, Baronet seemed to wish that England —aye England, who had crushed mightier revolutions than that of 1830 without yielding to their influence, should in a greater or less degree adopt the current of change. He for one could not avoid looking with jealousy to any party having in its formation any portion, however little of that spirit of change. Since the revolutions of France in 1830, Portugal, and subsequently Spain, had been revolutionized. This was a great cause of the commercial distress of this country, as our manufacturers were deprived of those markets for their commodities which they had heretofore enjoyed. The hon. Member for Stockport was of opinion that if the Corn-laws were done away with altogether, the effect would be to cheapen the poor man's loaf. But he did not see how, according to the argument of the hon. Gentlemen opposite, that could happen. The argument used on the part of the manufacturers was, that they would be enabled to compete on better terms with foreigners if the Corn-laws were repealed. How could this result follow from the repeal of the Corn-laws, unless by lowering wages, and if wages were reduced, where would be the advantage to the operative? He felt that agriculture was the base on which rested the stability of their throne and their constitution. It was therefore that he looked with jealousy on these propositions of the right hon. Baronet. The measures were, however, of a magnitude proportioned to the magnitude of existing evils, and had this great recommendation —that they were calculated to give present and immediate relief. All the other plans that had been proposed were inadequate. They might go on increasing the deficiency for a while, but that would only lead to still more inextricable embarrassments. For these reasons he should, on the whole view of the case, vote with the right hon. Baronet, though he was not unaware that his proposals contained many evils in detail. What had occurred that night would prove that his vote was an independent one, as it ever should be while he continued to hold a seat in that House.

Mr. *W. Aldam* moved the adjournment of the debate.

The question having been put,

Sir *R. Peel* said: Sir, I do not mean to resist the hon. Gentleman's motion for adjournment, but I must express my regret that the House does not feel itself in a situation to pronounce to-night on the report on the resolutions. There have already been four nights' debate on the resolutions, and three I believe on the report. Regretting, then, as I do, that we are not to come to a decision to-night, I do hope that, by to-morrow night, the House will feel that there has been sufficient debating on the subject. I wish, as soon as possible to bring in the bill, in order that I may be able to submit to the House the propositions with respect to the tariff. The House will feel that, considering the connection between the Income-tax and the tariff, the remissions in taxation which are to be proposed, and the relaxation in the taxes on raw materials and elements of manufactures, I cannot well bring on the tariff until there is some understanding whether or not it will pass the Income-tax. The matter does not rest with me. I regret the uncertainty that must exist pending the discussion of these measures. It would, of course, be impossible to expect that a decision would be come to with undue precipitancy; but I must reiterate my hope that, after eight nights' debate previous to the bringing in of the bill, it will be considered that the subject has been sufficiently discussed. I hope, too, that under the peculiar circumstances of this proposition, and it being desirable that it should be proceeded with as little interruption as possible—I hope, I say, that their sense of the public convenience will induce hon. Gentlemen opposite who have motions for to-morrow, to have the goodness to allow precedence to the renewal of this debate. This request, I do think, is not an unreasonable one, considering that the present is an *in limine* proceeding essential to the introduction of the bill. It is, therefore, to be hoped that hon. Gentlemen will permit it to be resumed at an early period of the evening, in order that it may be brought to a conclusion to-morrow night. This must depend on the course pursued by hon. Gentlemen opposite, but I hope that even those who are most strenuously opposed to the measure, and the noble Lord himself, will think that this request is only fair.

Mr *Masterman* felt it to be a grievous disappointment on the present occasion, to be forced to depart without the House having come to a division. He had the honour of being one of the representatives of the City of London, and it was his duty to state that his constituents felt it to be a great grievance that the House did not come to some conclusion upon the subject under its notice. He had the honour of representing in part the commercial interests of the great city for which he was a Member, and he must say that the stagnation which existed in commerce was such that, if hon. Members were aware of the inconvenience it caused, they would not hesitate about continuing the debate to a still later hour than that which they had then arrived at. He was sorry to intrude upon the House, but he could not leave it without expressing his conviction that its separation, night after night, without a division, was most detrimental to the commercial interests of the country.

Sir *Walter James* concurred with the hon. Gentleman, the Member for the City of London, in what he had just stated. The delay which had been experienced in proceeding with the measure before the House had been deeply felt by the commercial world. He would remind the House of the season of the year. It was spring—the period at which great merchants were sending vessels to all parts of the world. Hon. Gentlemen could have little idea of the extent of the injury inflicted upon the wealthier of the commercial classes by the delay which was taking place in the progress of commercial legislation, and he would remind hon. Gentlemen opposite who profess to feel such interest in the cause of the poor, that it was impossible that the depression felt in commerce did not extend to all classes of the community.

Lord *John Russell* also regretted that the debate had not been brought to a close; but although he was fully sensible of the inconvenience its protraction might have the effect of occasioning, yet still he could not but expect that upon a great question like the present many hon. Gentlemen who had not yet spoken should still be anxious to deliver their opinions. He felt, however, great confidence that the debate would close to-morrow—at least in so far as his resolutions were concerned. Of course, he was not aware of the intentions of other hon. Members who had notices of motion on the paper; but he trusted, that every facility would be given by those hon. Gentlemen to the House pronouncing its decision to-morrow night. The hon. Member for Liskeard made an able speech, and if a Minister had replied to it that would probably have conduced to bring about a division.

Mr. *M. Philips* said, that the country had waited with the utmost anxiety for the measures of the Government for five dreary months. Now, that an Income-tax was proposed as a means for obviating the difficulties of the country, instead of the measures brought forward by the late Government last year, Members on that (the Opposition) side of the House could not make up their minds to accede to it with so much alacrity as hon. Gentlemen opposite, who had thrown themselves into the arms of the right hon. Baronet.

Sir *R. Peel* was not aware that he had said anything to justify the tone of the hon. Member who spoke last. If the hon. Member could be aware of the number of communications which he received complaining of the slow progress which was made with the measures introduced by the Government, he would not be surprised at the anxiety which he manifested upon the subject. He thought the House was justified in taking ample time to consider this particular measure, but he must confess he thought it was hardly fair to the country that the efficient debating should be limited to about two hours. When he moved the Order of the Day for resuming the debate, at half-past eight o'clock that evening, there were only forty-eight Members in the House. He admitted, that there were as many on one side of the House as the other. However, he thought it would be more satisfactory to the country, if instead of these repeated adjournments, they were to proceed with a debate in good earnest, and then divide.

Debate adjourned.

House adjourned.

HOUSE OF COMMONS,

Wednesday, April 13, 1842.

MINUTES.] BILLS. *Private.*—2°. Great North of England (Clarence and Hartlepool Junction) Railway (No. 1); Sudbury Improvement.

Reported.—Wakeyhill Inclosure; Saundersfoot Harbour; Saundersfoot Railway.

PETITIONS PRESENTED. By Mr. S. Crawford, from Birmingham, for the Adoption of Universal Suffrage.—By Mr. Pusey, from the Farmers attending Abingdon Market, from Benington, Deskford, Cullen, and other places, against the Importation of Foreign Cattle and Meat.—From Glanely, and Lhancho Errigle, against the present System of Education (Ireland).—From Darlington, against any further Grant to Maynooth College.—From Oxford, against any Reduction of the Duty on the Importation of Leather, and Boots and Shoes.—From Cork, for the Discouragement of Idolatry in India.—From Northampton, in favour of the Government proposed Financial Schemes.—From Preston, and Bolton-le-Moors, for the Repeal of the Union with Ireland.—From Dublin, against the Reduction of the Duty on Salted Provisions.—From the Chamber of Commerce at Hull, for the Limitation of the Size of Wood allowed to be Imported, and against any Export Duty on Coals consumed by British Steam Vessels on their Voyage to and from Foreign Ports.—From Stratton, complaining of Abnses in the Stratton Charities.—From J. Rawlins, against the Buildings' Regulation (No. 2) Bill.

WAKEFIELD COMMITTEE—MR. BANKES.] An hon. *Member* acquainted the House that Mr. G. Bankes, who was yesterday committed to the custody of the Sergeant-at-Arms for non-attendance when the Wakefield Election Committee was called over for the purpose of being sworn, was confined to his bed by indisposition, and a medical gentleman was in attendance to give evidence to that effect.

Mr. Jackson (Mr. Bankes's medical attendant) was called to the bar, and stated that he had seen Mr. Bankes that morning, and found him labouring under a bilious attack, attended with fever. Mr. Bankes was too ill to attend to his duty in the House of Commons. He thought that Mr. Bankes would not be able to attend for four or five days. Mr. Bankes told him that he had been unwell for about ten days.

Lord *G. Somerset* said, that considering the evidence given by the medical gentleman, he thought he should not be deemed to encourage the non-attendance of Members struck for election committees if he moved that Mr. G. Bankes be discharged from the custody of the Sergeant-at-Arms without payment of fees.

Sir *G. Grey* did not mean to make the slightest objection to the motion, but he thought it would be very desirable, when any hon. Member was in such a state of health as to prevent his attendance, that he should get some Friend to apply to the House for leave of absence.

An hon. *Member* observed, that though he would not object to the present motion, he thought that in other cases some strong notice ought to be taken by the House of the absence of a Member, unless it was satisfactorily explained. Parties were put to enormous expenses by the absence of Members struck for election committees.

Mr. *Barnard* trusted that no Member who had been ill for ten days would be discharged without payment of fees, for he ought to have informed the House of his illness.

Lord *G. Somerset* said, he had been informed that it was Mr. G. Bankes's intention to be in the House last Monday, and that his illness was aggravated by travelling to town for that purpose.

Mr. *Labouchere* said, that if it had been Mr. Bankes's intention to attend, and if he was prevented by illness, it would be too hard to make him pay his fees; but he hoped it would not go forth that the House was disposed to deal lightly with these offences, and to accept light and trivial excuses for non-attendance.

The motion "That Mr. G. Bankes be discharged from the custody of the Sergeant-at-Arms without payment of fees" was agreed to.

The Members of the Wakefield Election Committee were discharged from further attendance, in consequence of Mr. Bankes's absence, and the Petitions and Lists referred back to the General Committee of Elections.

The Tariff—Timber.] Sir *H. Douglas* wished to ask the right hon. Gentleman the Vice-President of the Board of Trade, whether there was any objection or any difficulty in obtaining the information required in the notice of motion which he had given on the 12th instant, for a return of foreign wood entered for home consumption in the year ending the 5th day of January, 1842, classifying each article according to the existing tariff, stating quantities, rates of duty, and amounts of duty received thereon, respectively; also the mode by which each article classed by tale has been computed into loads, so as to arrive at an average rate of 41*s.* per load; and he wished also to ask whether all descriptions of wood were included in the calculation, so as to materially affect the average.

Mr. *Gladstone* said, in answer to the question of the hon. Member, it was right to say that there was no objection whatever on the part of the Government to the production of a return of the description asked for, unless he might call an objection the fact of its being impracticable. It was not in the power of the revenue department, which took cognizance of timber imported from abroad during the last year only with reference to certain lengths and dimensions, so to take the measure of it as to compute with accuracy the cubical contents of timber so imported. He believed that what was stated by his right hon. Friend was, that the actual average duty levied on woods of all kinds was between 41*s.* and 42*s.* a load; but that was a computation necessarily unofficial, and rested on the statement of persons connected with the trade. There was, however, very little doubt of the fact, that the average of wood from the Baltic, so far as it was calculated cubically, paid somewhere about 42*s.* per load. As to the latter part of the question, he had no doubt that inferior descriptions of wood were included in that average, and the effect of that was to lower the average by a sum of about 3*s.* When the proposition was made by his right hon. Friend, it was first proposed to tax timber and deals in two classes, and, as he stated in his speech, lathwood was to be rated at 20*s.* per load; but it was found that with respect to certain classes of wood it would be impracticable, except with the greatest inconvenience, to take the duty in the way proposed; and, therefore, in revising the tariff, the smaller classes of wood had been placed by themselves under a different heading of duty, which would be found to be considerably lower than that proposed by his right hon. Friend, whilst in deals and sawn woods in general the duty had been raised from 35*s.* to 38*s.*

Subject at an end.

Great Marlow Election.] Mr. *T. Duncombe*, in rising to move, according to the notice he had given, that Richard Gibbons be called to the bar, reprimanded by Mr. Speaker, and discharged, hoped he might be allowed to present a petition which he had received that morning, and which was signed by several respectable individuals acquainted with Mr. Gibbons. The petitioners were inhabitants of Great Marlow and its neighbourhood, and they stated that they had known Mr. Gibbons for several years; that they believed him to be a person totally incapable of committing perjury, or giving false testimony in order to mislead any committee of that House, and praying the House to treat him with leniency, and take into consideration the motion he was about to make. The petition was signed by Sir G. Nugent, the Rev. A. Clayton, Mr. Hickman, Sir C. East, Sir W. Clayton, Mr. Scott Murray, the hon. Member for the county of Bucks, and others. He would only preface what he had to say in mitigation of the error Mr. Gibbons had committed by stating, that he had no personal acquaintance with that individual, and that, were he not satisfied from the representations of Gentlemen who knew him, confirmed as they were by those persons who had signed this petition, he should not have considered the station in life which Mr. Gibbons filled, or his being a wealthy man, but should at once have refused to advocate his cause; because he thought that a person holding such a position in society as Mr. Gibbons, ought to suffer for such an offence a punishment ten times more severe than an individual in a humbler station of life. He was, however, convinced that the individual in question did not intend to give false testimony to the committee, and had no intention thereby to pervert the ends of justice. Mr. Gibbons stated in his petition that he was called before the committee on Tuesday, the 5th of April, to give evidence with regard to the vote of a person named Charles Gibbons, and that, having given his evidence, he was subjected to a severe cross-examination by the counsel for the petitioners, and in the course of it was incidentally examined on matters relative to the canvass of other voters not material to the issue then before the committee. It appeared that the vote of Charles Gibbons was disposed of, and this individual was then examined with reference to the canvass of two voters named Pusey and Povey; and whatever evidence he gave relative to them was not material to the question then before the committee. Very little attention was apparently paid by the committee or the counsel on either side to his evidence as to those two voters; but on the Thursday following he was again summoned to give evidence on the vote of Povey, by the agent of the petitioners; and not, as misstated in the proceedings of the committee, by the agent of Sir W. Clayton. That made a material difference, for the House would remark that if he had been aware of having given any false testimony, it was not very likely that this individual would have almost volunteered to be called again, when his perjury might be so satisfactorily proved. On the Thursday, then, he went before the committee, and stated that Povey had been canvassed by him, which was contrary to his former statement on the Tuesday. He said in his petition that he was unused to examination in a court of justice, and that in his examination he was further confused between the names of Povey and Pusey. He admitted that his two statements were contradictory, but denied that he had made them with any dishonest or corrupt intent wilfully to mislead the House or defeat the ends of justice. He then in his petition expressed his deep regret and contrition for his said error and offence, and prayed the House to deal leniently with him. He would not trouble the House with the mass of evidence all relating to the examination of this unfortunate witness, but if hon. Members read the examination in chief, and the cross-examination of Mr. Gibbons, they would be surprised to see the kind of ordeal to which he had been subjected. It was sufficient to confuse any man. If a person in Mr. Gibbons's position in life had given false evidence to mislead the committee, merely sentencing him to Newgate would not be sufficient, but the Attorney-general should be instructed to prosecute him for perjury. But he would just read one question that was put to him on the last day when his attention was called to the conflicting statements he had made. The hon. Member was then proceeding to read from the evidence, when

The *Speaker* said, the hon. Member could not read evidence which was not yet before the House.

Mr. Duncombe: Well, he could only say, that this witness was examined and badgered for an hour and a half by the counsel; and what occurred, as far as he could recollect, on that occasion was this, that when he was asked, "Is that a true answer? Do you admit that that conflicts with what you stated on a former day?" he said, "This is a true answer, and if I stated to the contrary of that on a former day, I must have been misunderstood and misrepresented." The room was then cleared, and the committee immediately, without giving any notice to the witness, came to the resolution which was stated to the House by the hon. Baronet the Member for South Devonshire, viz.—

> "That in the opinion of this committee Richard Gibbons has been guilty of wilfully giving false evidence in his examination before them; that the chairman do, by warrant under his hand, commit the said Richard Gibbons to the custody of the Sergeant-at-Arms to await the pleasure of the House."

In his (Mr. Duncombe's) opinion it was unjust toward this individual, that the committee should have come to such a resolution without giving him any opportunity of explaining that which he believed he would satisfactorily have explained if he had been called before them. He found by the act passed last year by the right hon. Baronet opposite (Sir R. Peel) that if any witness before such a committee should give false testimony or prevaricate, the chairman might commit him to the custody of the Sergeant-at-Arms; but he must say, the committee seemed to have gone too far in saying that this witness was guilty of wilfully giving false evidence. That might have been their opinion, but before they condemned the man, they ought to have heard him once more in explanation of the statements he had made. He believed that the witness was never more astonished than when, upon leaving the room, he was immediately laid hold of by the Sergeant-at-Arms, brought to the bar of this House, and sent instanter to Newgate; and yet, not to that moment had he been allowed any opportunity of explaining his answers to the House. On the part of this individual, he offered this explanation. The House would deal with him as they thought proper; but as he confessed that he was in error, and stated that he had no intention to defeat the ends of justice, he should move that he be brought to the bar, reprimanded by Mr. Speaker, and discharged.

Sir *J. Y. Buller* was very sorry that he could not concur in the motion of the hon. Member for Finsbury, recommending this person to the lenient consideration of the House: and he took that course from the strong conviction upon his own mind, and the mind of every other member of the committee, that this gentleman, respectable though he might be, as was attested by those persons who signed the petition in his favour, not only gave evidence incorrect in truth, but gave it wilfully. Mr. Gibbons sheltered himself by saying, that he was excessively confused at the time he made the statement in question, but he would call the attention of the House to the fact, that when Mr. Gibbons gave that evidence on the 5th of April, it was at a period when he was perfectly cool and collected, and not at a time when he was ordered by the committee to be brought before them forthwith; and one of the strongest circumstances that weighed with the committee was, that when he was called in on the second occasion he contradicted the whole of his former evidence. No man who went before a committee determined to speak the truth need be afraid; there was but one way of telling the truth, and what was the truth on Tuesday was the truth on Thursday. With regard to his being confused, by being taken on another part of the evidence, as to the votes of Povey and Pusey, he must say, that there appeared no confusion in the witness's manner when he was asked the question on the Tuesday. No one could help regretting to find a person in Mr. Gibbons's position guilty of giving incorrect evidence. When such a petition as this was presented in his favour he must be supposed to be a respectable man, and it must, therefore, be a matter of pain to the committee to be obliged to say, that he had wilfully given false evidence. With regard to the word "wilful" in the resolution of the committee, it might perhaps be a little too strong an expression. All that they meant to express was, that Mr. Gibbons did, to a certain extent, know that he was not speaking the exact truth before the committee; and such certainly was the impression on his mind. It would not perhaps be well for any other than a legal Member to recommend the indictment of this individual for perjury; but certainly that punishment which he had hitherto received was utterly inadequate. This was the first case of so serious a nature which had occurred; and, therefore, the House was required to make an example. Sorry, therefore, as he was to take any course savouring of severity, his sense of duty constrained him on this occasion to adopt it.

Mr. *Cowper* as a member of the committee felt bound to declare his concurrence in the opinion just expressed; he could not conceal from himself the conviction that the person in question had most deliberately spoken falsely, and, painful as it was to apply to any person the term "perjured," he could not avoid applying it in the present case. Nor was it possible to forget, that however this individual's case might excite commiseration, it admitted of no palliation, for his circumstances had been such as to leave him under no temptation to commit so serious an offence. Confinement for so short a time as one week could by no one be deemed an adequate punishment for such a case. It was a question with him whether the individual ought not to be prosecuted for perjury. This was a point, however, which could not be decided until the evidence had been printed.

Sir *W. Heathcote*, as another member of the committee, begged to state, that the false evidence had consisted in direct contradiction, upon a long series of questions, most deliberately answered; and the offence had been aggravated by the petition presented.

Mr. *Labouchere* placed confidence in the declarations of the hon. Gentlemen who had been on the committee: who had had better opportunities of forming a just decision as to the nature of the evidence given before them than could any other members possess.

Mr. *Childers* confirmed the statements made by other members of the committee.

Sir *R. Peel* concurred in relying on the declarations of the hon. Members who had been on the committee—who had joined in characterising this person's evidence as wilfully false. Though the evidence ought to be printed, yet other hon. Members would, even then, be unable to arrive at so just a conclusion as were those hon. Members who had been on the committee. As to this person's being respectable in station, that instead of an excuse or mitigation, was a great aggravation of the crime.

Mr. *O'Connell* agreed entirely with the right hon. Baronet. There was only one conceivable supposition in this man's favour,—that as he had declared on one day a long series of facts to be false, which he had just a day or two before declared to be true, there must be some affection of his intellect, and that positive fatuity, if not something worse, had been the cause of his conduct. However, the partisanship of electioneering was too often quite reckless, and that might have been the case here. As to liberating him, it was quite out of the question, of course; but he could not remain for ever in custody; and the best course would be to print the evidence.

Mr. *T. Duncombe* emphatically disclaimed the idea that the respectable situation in life of this individual at all mitigated—on the contrary, it aggravated his offence. But perhaps the hon. and learned Solicitor-general, to whom the evidence had been submitted, would state whether it was sufficient to ground an indictment for perjury on; seeing that, if such were the case, the proper course would be, instead of keeping the man in custody, to prosecute him at once. He had brought forward the case solely at the instigation of the hon. Gentlemen who had declared their favourable opinion of the individual in question. Of course, in deference to the general feeling of the House, he should withdraw the motion.

Motion withdrawn.

Sir *J. Y. Buller* moved that the minutes of proceedings and evidence taken before the Great Marlow Election Committee be laid before the House.

The *Solicitor-General* said, the evidence had only just been delivered to him, and he had not had an opportunity of looking at it. But he begged it to be understood that the question was whether the allegations had been material in the case; if not, no indictment for perjury could be maintained; yet, he need not say, evidence might, under such circumstances, be deserving, from its falsity, of the punishment of that House.

Motion agreed to.

Lord Mayor of Dublin.] Mr. *W. S. O'Brien* begged to ask the right hon. Baronet at the head of the Government, if it were intended to offer to the Lord Mayor of Dublin an honour similar to that which it had been intimated was to be conferred on the Lord Mayor of London, in consequence of the auspicious birth of the royal heir. He owed, perhaps, an apology to the hon. Member for Dublin for putting such a question without having mentioned it to him, but the question was one, not of individual, but of public interest; and the more so, inasmuch as it would be felt that no considerations of political or personal animosity ought to prevent the adherence to an old established usage, especially as it did so happen that the present was the first Catholic Lord Mayor of Dublin.

Sir *R. Peel:* I hope the House will not think me at all disrespectful to them, or to the hon. Member, if I must, influenced by a sense of public duty, positively decline answering any such question, as to the advice which I may deem it right to give to the Crown on the disposal of civil honours.

Foreign Fish.] Captain *Pechell*, with reference to the introduction of fish into the British markets caught by foreign fishermen, and sent to this country in carrier boats, wished to inquire from the right hon. Baronet whether any reciprocity as to the trade in fish had been secured to our fishermen; in short. whether our fishermen were able to send fish to Holland and France.

Sir *R. Peel* said, he should not throw any obstacles in the way of the introduction of foreign fish. The difficulties which were found in the importation of it did not arise from any objection to letting foreign-caught fish enter into competition with that caught by our own countrymen, but on a totally different ground. The object in view was to prevent smuggling, which would be carried on extensively if fish were to be introduced otherwise than in trading vessels. It was well known that abundance of foreign-caught fish was to be had in the English markets. As to the matter of reciprocity, he certainly could not consent to postpone public measures till he obtained permission for the fishermen of Brighton and other places along our coast to send their fish to France and Holland.

Income Tax—Report—Adjourned Debate.] The Order of the day for resuming the debate having been read,

Mr. *Aldam* said, I can assure the House, that, in moving the adjournment last night, I was not guided by the wish to offer a factious opposition to the measures proposed by Government. My sole reason was, that several Members on this side of the House, representing important constituencies, and entitled to be heard, and even called upon to speak upon a question of the magnitude of that now before us, have not yet addressed the House. And when it is recollected that the debate on the Income-tax last night commenced at so late an hour as half-past eight, and that three Members only on each side of the House had the opportunity of speaking, and how great was the impatience of the House after twelve o'clock, it will be conceded that it was not unreasonable to ask for another night's debate. Hon. Members on the other side of the House have spoken of the feeling of the country, of the petitions with 20,000 signatures in favour of the measures proposed, and of hole-and-corner meetings against them. I did not employ the Easter recess in agitation, as has been insinuated of hon. Members on this side; but a meeting was held in the borough which I have the honour to represent,—a meeting, to the getting up of which I was no party, but which I was specially requested to attend, to which the electors generally were invited,—of which ample notice was given,—held in the room where important public meetings are usually held,—and presided over by the chief magistrate. Many persons of the first respectability were present, and large numbers of clothiers, artisans, and small tradesmen, not personally or immediately interested in the proposed impost. I may say a unanimous opinion against the Income-tax appeared to be felt, and resolutions condemnatory of it were carried by a large majority. It is felt in commercial towns that it is unjust to tax the hard-earned produce of industry on the same footing as the income of realised property, annually received without toil and without risk. It is felt, too, that the real burden of the Income-tax, a Government inquiry into men's private affairs, falls exclusively upon the trading classes. Instead of indulging in general declamation against the inquisitorial operations of an Income-tax, I will ask the permission of the House to read a few questions, addressed to the parties in a mercantile firm by commissioners under the former Income-tax. These questions were read at the meeting of which I have spoken, from papers in the possession of a gentleman who had given much attention to the working of the former law. [The hon. Member read the following questions in a paper read by Mr. Tottie at the meeting at Leeds:]

"How did the increase arise in the sums of money employed by you in your trade in the year ending 5th of April, 1810; and whence did the decrease arise therein for the year ending 5th April, 1811?

"What was the amount of your stock in hand, including book debts and all your partnership effects, in the several years 1808, 1809, 1810, and ending 5th April, 1811, distinguishing the amount, therefore, in each year?

"What was the amount of excise duties paid by you in your trade in each of the above-mentioned years, distinguishing the amount paid each year?

"How much money did each of you draw from the stock in the several years 1808, 1809, and 1810, ending 5th April, 1811?

"Have you in your estimates of profits included any, and what sums, expended by you or either of you, in support of your respective families?

"What is the average of the prices at which you have bought and sold the different articles you have dealt in, in the several years 1808, 1809, and 1810, ending each year on the 5th April in the succeeding year, and the amount bought and sold in each year at that average?

"Have you in your statement made any, and what deductions on account of losses sustained by you in any matter not connected with your trade, or not arising out of it, with the particulars of any such deductions?

"Or on account of any improvements of your premises, or for repairs, or supply of your utensils?

"Or on account or pretence of the interest of the capital employed by you, and which, or any part of it, might have been made thereon, if laid out at interest?

"If you make no deduction in the settlement of your profit or loss, how or in what manner do you make the balance of your profits or loss appear in each year?"

It is idle to say that questions like these are not vexatious and irritating; they would be so under any circumstances, and with any people, but with none so much as with the English, who have a natural abhorrence of interference with and inquiry into their private affairs. But it is not a mere question of feeling; the state of men's affairs will be divulged; the whole experience of the working of the last Income-tax proves the impracticability of strict secresy; and men who are in temporary embarrassment, but not altogether insolvent, or so that they might retrieve themselves under other circumstances, will be in danger of immediate ruin. It is not necessary for a Member on this side, in opposing the Ministerial scheme of finance, to furnish a budget of his own. In so doing he would but lay himself open to the just sarcasm of the right hon. Baronet at the head of the Government, as a provincial Chancellor of the Exchequer. But as one or two taxes have been discussed by both sides as a substitute for the Income-tax, I will take the liberty shortly to allude to them. It is possible that a tax on the descent of real property might produce considerably less than some sanguine estimates that have been made, from the necessity of a prior deduction of mortgage money; but there can be no doubt that such a tax would bring in a large sum. It was the intention of the Minister who proposed the legacy duty, that it should extend to property of all descriptions, and this House will never be free from the charge of class-legislation until personal and real estate is placed upon the same footing. An objection which the right hon. Baronet at the head of the Government makes to the imposition of assessed taxes, or any additional taxes, other than the Income-tax, is that you increase the motives for absenteeism. This reason appears to weigh much with the right hon. Baronet, for it was adduced by him in the discussion of the budget of 1840, as an argument against the addition to taxation proposed by the then Chancellor of the Exchequer. The objection is a serious one, but the remedy seems obvious—an Income-tax on absentees. The difference of expense of living in England and on the continent is mainly caused, directly or indirectly, by our heavy taxation, and the man of property who, by living abroad, makes his income go one-fourth further than at home, abstracts an amount equal to one-fourth of his income from the English Exchequer. You may say that the machinery for levying such a tax would be difficult. I admit it; but no difficulty of this kind ought to weigh, when you can invent a machinery for determining the amount of every man's income. I believe there is a very general opinion prevalent throughout the country, that it would have been better to have left the timber duties unaltered rather than sacrifice revenue by their reduction. I concur in this opinion; but I will do the Government the justice to admit, that in this reduction they have acted a perfectly disinterested part; that the great and wealthy interests of the country will not thank them for it; that the owners of mills, of houses, and of ships do not wish it; for with cheaper timber, cheaper mills, houses and ships will be built, and their property will be depreciated. Nevertheless, it is of great national importance to have cheap timber, that mills, houses, and ships may be built at less expense, that we may compete with the foreigner under more favourable circumstances; and more especially that the habitations of the poor may be of a better description. It is remarked by travellers that the poor are well or ill lodged as timber may be cheap or dear. In parts of Ireland and Scotland where no timber is found, their dwellings are wretched. In Switzerland and Norway, which abound in it, they are commodious and comfortable. I admit that if duties are to be taken off, timber is a judicious selection; but I think with the alternative of an Income-tax, these duties should be retained until a surplus of revenue make a reduction of taxation practicable. It may appear chimerical in the present state of the finances of the country to speak of a surplus. It must be admitted, that it is long since we have had surpluses to deal with; but the reason is easily seen in the disastrous state of the trade of the country, arrising from four successive bad or indifferent harvests, the evil results of which our Corn-laws have not permitted us to counteract by the importation of foreign grain. Let us have a recurrence of favourable harvests, (and in the natural order of the seasons we may expect it, for it has rarely happened that more than four bad seasons have followed each other), and let the Corn-laws be put on a rational footing, or abandoned altogether, and we shall again have an improving revenue, and, as in the three years preceding 1837, the more pleasing duty of selecting taxes to reduce. I regret that the difference of duty of foreign and colonial coffee has remained unchanged. You have reduced protection to the maker of gloves, of shoes, of straw plait, and you have left the planter as he was. Had you reduced the duty on foreign coffee to 8*d.*, and left 6*d.* a pound on colonial, as before the benefit to the consumer would have been the same—the price would have been the price in bond of foreign coffee, with the 8*d.* duty, and the retailer's profit; and a sum of fully 120,000*l.* on the present consumption of colonial coffee would have been saved to the revenue. But I regret most of all that you have made no change in the sugar duties—that on the present consumption, and at the actual prices you have left us tributary to the planters to the amount of fully 4,000,000*l.* a-year. You say you will not admit foreign sugar, because it is a slave-grown production — so is coffee, but you admit that; you tell us that the cultivation of coffee is not a laborious occupation—that it involves but little of hardship to the slave—your reasoning is good, but you have not consistently carried it out. Why do you admit foreign rice? Under the old tariff the duty was 15*s.* a cwt., about 1½*d.* per lb., and amounting to a prohibition of any extensive trade. Under the new, it is admitted at a duty of 5*s.* (½*d.* a pound) and the rice of the Carolinas and Georgia will compete with the free labour rice of Bengal. The cultivation of rice would prove fatal to the White in a single season; and what is the condition of the negroes engaged in it? I will ask permission of the House to make this clear, by reading a passage from Mr. Buckingham's late work on the Slave States of America. I have high authority in quoting Mr. Buckingham; the right hon. Premier has done it before me. Mr. Buckingham says, speaking of Savannah in Georgia—

> "For all I could learn of the condition of the household slaves, it was quite as comfortable as that of servants in the middle ranks in England."

This extract shows that Mr. B. will not give an aggravated account of the circumstances of the slaves, from a feeling against the institution of slavery. He then gives this account of a rice plantation near Savannah, which he describes as being a fair average:—

> "The slaves are up by daylight—they have their meals cooked for them in the fields—they continue to work till dark—they have no holiday on Saturday afternoon, or any other time, except a day or two at Christmas—their allowance of food consists of a peck of Indian corn per week. This they must grind themselves. It is then boiled with water, without anything to eat with it—boiled corn and water only, and barely a sufficient quantity of this for mere subsistence. Absence or neglect of duty is punished with stinted allowance, imprisonment, and flogging—no instruction was allowed to be given in reading or writing—no recreation provided—in appearance all the negroes we saw looked insufficiently fed, most wretchedly clad, and ill accommodated in their dwellings; and we agreed that the prisoners in all the state prisons we had seen in the country were better off, and less severely worked than these men."

I have read this, not to induce you to reject the rice of the Carolinas, for you cannot do it without excluding at the same time the free-grown rice of Java and the East, but that you may no longer act upon a principle which you cannot carry out. As well might you refuse the tallow and the hemp of Russia, as grown upon estates cultivated by serfs, whose personal rights are scarcely greater than those of slaves. I object to the Income-tax as promoting immorality. We are proud of the veracity of Englishmen; this feature in the national character may be the result of our institutions. The English law carefully avoids placing men in temptatoin; it does not allow a witness to give evidence in a cause in which he is interested;—and yet, by your Income-tax you compel a man to disclose the circumstance on which the amount to which he is taxed depends. You may make a first assessment for this tax; but when the nature of the inquiry to be made is known, when your first papers of questions have been answered, when your first surcharges have been made, you will find public feeling so excited that a second assessment will be impracticable.

Mr. *Escott* believed, that the measure when considered together with its accompanying measures was well adapted to meet present exigencies, while it created no undue burthens, and did not, in the amount proposed to be raised by the tax, exceed the necessity of the times. Of the hon. Members who had spoken upon the opposition side of the House, some had accused those upon his side of the House with having adopted a system of silence, and with having refrained from expressing their reason for supporting the measure proposed by the First Lord of the Treasury, while they had nevertheless determined to support by their votes. There was nothing, he thought, extraordinary in hon. Members preferring, whilst others exhausted the time of the House in discussing what they could hardly be supposed yet to comprehend, to examine a proposition calmly and deliberately which was fraught with such important consequences before they spoke in its favor or condemnation, that at least had been his course. There was a description of silence to be noticed amongst hon. Gentlemen opposite which was rather remarkable, namely, a silence as to the causes which led to the deficiencies that made the measure then before the House necessary; not only were hon. Members opposite silent as to those causes; but whenever hon. Members at the side of the House at which he (Mr. Escott) sat alluded to them, they were met with reproach for so doing, and charged with factious views in adverting to the conduct of those who had rendered the measure of the right hon. Baronet necessary. Another more serious charge had been brought against the majority of that House by the noble Lord, the Member for London, who asserted they were in the present instance not impelled by a desire to do what was right, which was beneficial to the country, but by a desire to keep a Minister in place. To hear this from a noble Lord who had so prominently exerted himself in effecting the reform of that House was strange indeed—a House which might be considered to be now nearly modelled anew upon his own suggestions, and with which he had shown himself abundantly complacent as long as it had sanctioned his measures, and suffered him to remain in power. As one of that majority he must deny the charge, and deny it in terms as distinct and positive as were consistent with the respect due to the noble Lord's character and station in that House. But he would contend that it was that very conduct, and those identical measures of the noble Lord that had rendered it necessary for his right hon. Friend to bring forward the present energetic measures to remedy the mischief consummated by the late Government. The question, it should be recollected, was not one between the old and the new system of finance. The old finance system had been destroyed; the finance system of Mr. Canning, Lord Liverpool, Lord Grey, or the Duke of Wellington, was utterly annihilated and gone, it had been broken up and destroyed; it had been destroyed by the late Government. The question now was between the merits of the financial system of the noble Lord opposite, and the financial system of his right hon. Friend, Sir R. Peel. Against the financial system of the noble Lord the House had already decided. The resolutions of the noble Lord on foreign sugar had been negatived by two Parliaments, principally owing to the indisposition of the House to give encouragement to sugar the produce of slavery, for the suppression of which the Commons of England had voted no less a sum than 20,000,000*l.* The noble Lord last year had accompanied that proposal with another of greater importance to the public—namely, that corn should be importable from foreign ports at a fixed duty of 8*s.* per quarter. That, too, had been rejected by Parliament and the country. He now proposed another Corn-law, in which his fixed duty was to vanish to 1*s.* a quarter. The noble Lord had explained that in this proposition he meant to reserve to the Queen in Council a power to reimpose the duty of 8*s.* when it might be so considered expedient. What! Was this guardian of the constitution the person to propose that, whenever it should suit the purposes of revenue, the Queen of these realms should become herself the imposer of the bread-tax? The noble Lord the Member for London had declared that he was the consistent friend of the farmer; and he asked hon. Members at his (Mr. Escott's) side of the House if they did not perceive a growing feeling amongst farmers in favour of the fixed duty. He (Mr. Escott) knew that there was an opinion amongst some farmers, and even landowners, that a fixed duty (not the duty of 8*s.* however) would be a more efficient protection than a fluctuating duty; but then they objected to the fluctuating scale for the very reason which induced him to approve of it, namely, because when the price was high they lost their protection under that arrangement. But the noble Lord the Member for London had admitted that it was his intention to take off the fixed duty when the price became high, by the Queen in Council. He hoped, therefore, that the farmers of England would not forget what the advantage was which the noble Lord offered to them; namely, that they were to have an insufficient protection when corn was low, and to lose it altogether when the price repaid them for their labour and expense. What was the measure of the right hon. Baronet which they were called on to consider? It consisted of two parts, namely, imposition of taxes and the remission of taxes. What he would ask, was the state of the country which called for the measures of the right hon. Baronet? A deficiency in the revenue, which required to be made up by the imposition of taxation; and a languishing trade which required to be invigorated by the remission of duties. These were two evils, and there must be two remedies. It was, therefore, impossible to take the measures of the right hon. Baronet into fair consideration without considering both parts together. The right hon. Baronet proposed to impose a tax upon the annual ability to pay of all classes in the country, and a great deal had been said against it, as if such a tax ought only to be imposed on property. But the plan of the right hon. Baronet was to impose the tax, which was an annual payment upon the annual property of those who were to pay, and it exempted every man whose income was less than 150*l.* annually, thus omitting from its operation, as far as such was possible, every poor man throughout the kingdom. He (Mr. Escott) did not mean to contend, that a man with 150*l.* per annum might not be poor and distressed, but so might a man of 300*l.* per annum, or of much larger income; yet he should say, that taking some fixed sum as a criterion of ability to pay, it was a fair presumption to assume, that the man with 150*l.* per annum was not so poor, at least, as to be an object of compassion, and thereby entitled to a total exemption from contribution. If they looked at the tax in relation to the advantage likely to arise from the remission of duties by which the tax was accompanied, he (Mr. Escott) thought, that so far from losing, the person so paying the tax would be a gainer by the measures of the right hon. Baronet; but then came another consideration. If, as he believed, those whose incomes were above 150*l.* per annum, and those whose incomes were under that amount, would be gainers by the measures of the right hon. Baronet, he might be asked upon whom the taxation would fall? To this he would answer, that it would fall on the owners of land and on the hoarders of money, and he believed those were two classes which every right-minded man would wish to see fairly contribute to the support of the State. But those classes would be greatly benefitted by the measure of the right hon. Baronet, for the monied man would get greater security for his future dividends, and it was evident they felt that from the rise in the funds, whilst the landowners also obtained corresponding advantages in the tardy admission of the principle that monied property ought to bear its share in the burthens of the State. He could not doubt the course which he should feel it his duty to take on the division on this question. He should take the measures of Government as a whole. He should not look minutely into the tariff, unless there were any parts of it which appeared to him likely to create greater weight and burdens than those from which they relieved the great body of the consumers with that view. There was one part of the tariff to which he wished to call attention—namely, the great reduction of the import duty on articles of foreign manufacture, and which were also articles of considerable manufacture in this country. He particularly alluded to two articles—namely, shoes and gloves. He would particularly allude to the article of gloves, because that was an article of comparative luxury. It should be recollected that a great remission of the import duty on gloves had already taken place, and the glovers had ever since been struggling with the difficulties which their trade had suffered since that remission. He was afraid that the shilling saved to the consumer in the price of a pair of gloves was a shilling, which the consumer could better afford to pay than the manufacturer could afford to lose. He certainly thought, that in the case of gloves, that the consumer could much better afford to bear the loss than the manufacturer. However, he would look to this measure as a whole. He trusted, that whatever apprehensions might be entertained with respect to its effects upon any branch of our productive industry, that those effects, if they occurred at all, would be but temporary, and that the advantages which the manufacturers would derive from increased sale and increased consumption, and restored credit and trade, would fully compensate them for any loss to which for a time they might be subjected. He had felt it his duty to state those opinions to the House, and he was the more inclined to do so in consequence of the statement of the noble Lord, that the majority in that House did not look to the merits of the question so much as to the support which they wished to give to the Ministers of the Crown. He would look to the merits of this and every question. He wished to support the present Ministers of the Crown, perhaps as much from this reason as any other, that at the last general election, when questions of commercial policy were put before the country to be decided on by the people, there was another question also put to the country, which he had not yet heard adverted to in this debate, and that question was, what men the country would have to administer the affairs of the State. They had heard of pledges at the last election. The only pledge he had been called upon to give was, whether he approved of the Administration of the right hon. Baronet. He had expressed his opinion in favour of the Administration of his right hon. Friend, and that expression of opinion had, more than any other motive, been the means of influencing his constituents to return him to that House. He never had given any pledge to the people on any particular measure, and he never would; but he wished to respect the opinion of the people, and in answer to the charge of the noble Lord he had stated the grounds on which he supported the policy of the right hon. Baronet. The country would gratefully respond to the call of the right hon. Baronet. He found the country, on his accession to power, struggling with evils which were not of his creation, and with the courage, wisdom, and foresight, worthy of a great Minister, he found a remedy for those evils.

Mr. *J. Parker* trusted, that those who, like the hon. Member who had just spoken, supported the plan of the Government as a whole, and who now were so ready to give their support to the first part of that plan, which was, no doubt, the most agreeable to them—namely, the Income-tax, would be equally ready to support the second part of the scheme, with which they (the Opposition) for the most part concurred, and to which the only objection which he saw was whether they were not paying for it rather too high a price. If the right hon. Baronet's tariff had proposed to deal with the great primary articles of life, and had placed the trade in corn upon a satisfactory footing for the future—as the proposition of the late Government would, he believed, have done; and if it had included also a large and liberal mode of treatment of the article of foreign sugar, he should have been disposed, as representing a large commercial constituency, to say that the advantage to the country would even have been worth the sacrifice which they were called upon to make. He did not think the necessity, either in regard to our relations abroad or our domestic difficulties, was so great as had been represented by hon. Gentlemen opposite, or formed any justification for their resorting to an Income-tax — a tax which they should always avoid looking upon as a permanent resource of the State. He admitted the importance of having a revenue equal at least to the expenditure of the country, and was also aware that any long continuance of financial disorder in any country must be looked upon as the precursor of financial revolution; but still he did not see, that the difficulty in the present case was sufficient to justify them in having recourse to a tax on property. In reference to the argument of the hon. Member for Winchester, it had certainly somewhat surprised him to hear the hon. Member advocate an antiquated principle, which he thought had long since exploded —namely, the necessity of propping up declining trades by means of artificial protection, the more especially as the right hon. Baronet had abandoned that principle in the proposed tariff. The grounds which had been urged by the Government, as showing the necessity for this extraordinary measure of taxation, were any thing but satisfactory, and appeared to have been the result of after consideration; for it would be remembered, that the right hon. Baronet had stated at the commencement of the Session, that he was prepared with the details of his scheme, but that he did not think it politic at that time to state them; yet now the necessity for such an extraordinary financial scheme was grounded in a great measure, upon the recent disasters in India, the news of which had only been received within the last few weeks. He was of opinion, that without having recourse to an Income-tax, measures might have been devised for maintaining the efficiency of our arms abroad, and of meeting all the financial exigencies of the country; and here he could not help contrasting the budget of the right hon. Baronet with that which had been proposed by the late Government last year, the adoption of which would, he was firmly persuaded, by increasing our commerce with other parts of the world, have improved our domestic industry, and thus, without any extraordinary burden being imposed upon the people, the difficulties of the country would have been provided for. Admitting all the advantages likely to arise from the improved tariff of the right hon. Baronet, he thought, nevertheless, that he should be paying too high a price for it by adopting the Income-tax, and he therefore felt his duty to vote against it. A petition, signed by 700 persons at Sheffield, had been sent to him deprecating the measure as an additional pressure upon them at a period of extraordinary and long-endured distress, and calling on him and his hon. Colleague to express their opinion to the House.

Viscount *Sandon* could not help feeling surprised at the attempt which was now made by hon. Gentlemen to call again into existence that ricketty bantling, which, under the name of a financial measure, was last Session crushed and consigned to the tomb amidst the laughter of the House and the derision of the country. He was surprised, he repeated, to see a scheme now referred to with such confidence, and self-complacence which, on a former occasion, the House of Parliament had condemned as ill-judged and inefficient—a verdict since confirmed by the country, and further confirmed by the approbation which had been accorded to a portion, at least, of other and different measures. In his opinion, the condemnation which was last year pronounced was not sufficiently strong, for though, as a measure of commercial reform, the plan of the late Government might admit of dispute, it was, as a budget question, perfectly ridiculous. He would take, then, their propositions with regard to corn, sugar, and timber. Now, under the plan of the late Government, if the harvest were good, no additional revenue would be derived from corn, for in that case none would be imported from abroad; and if the harvest were bad, no revenue would be derived from it; for, in that case, prices would become so high that, in all probability, the fixed duty would be taken off. So that in neither case could any certain amount of revenue be relied upon for corn. Looking, again, to the sugar proposition, and taking it as a mere budget question, the revenue expected would depend on elements altogether uncertain—namely, the extent to which foreign sugar, on which a higher duty was paid, would displace the produce of our own colonies, on which a lower duty is paid. It was utterly impossible for any one to prognosticate the relative amounts of low and more highly taxed sugar that would be imported under the duties proposed by the late Government, or the extent to which the sugar of the East and West Indies would have been displaced by that of Cuba, Brazil, and other foreign countries. Again, with regard to timber, the financial result of the measure proposed last year depended on the extent to which the measure of the late Government would have had the effect of displacing the Canadian by the Baltic timber, a calculation which it was impossible to make with any certainty of the result. Besides, according to the late Government's own Governor-general in Canada, it could not be called into operation immediately, and therefore could not supply the existing and pressing deficiency in the revenues of the year. Thus, in the whole of the three measures, the budget then proposed was utterly inefficient for its purposes, every element in it was totally uncertain, and yet were these measures now to be called forth from the tomb to which they had been consigned, and should an attempt be made to galvanise as it were the dead carcase into existence, at a time when the difficulties to be encountered were admitted by all parties to be greater than those that existed last year? These measures were admitted to be insufficient for the exigencies of the present time, but they were still it seems to be proposed as a substitute, in part, for the bold and comprehensive plan of the right hon. Baronet. They were to be propped up by vague and general allusions to a great mass of other taxes which had been repealed since the conclusion of the war, as if recourse must be had to the revival of some of them to supply the deficiency. But to which of them would Gentlemen opposite drive the country? Would they, in order to revive a languishing trade, increase the Customs' duties? Did they contemplate with a view to increase the comforts of the people, an augmentation of the Excise duties? Would they increase the taxes on beer, on soap, or on glass? What, he asked, could they propose which would interfere less with trade than the Income-tax? Not Customs—not Excise. What then? Assessed taxes. Were not these taxes far more burdensome to mercantile men, professional men, and tradesmen, than the tax proposed by the present Government? The necessity of keeping up a certain appearance compelled these classes to become liable to the assessed taxes to an extent frequently beyond their means. These, too, were taxes which they must pay, whether they made profits or not. The banker or merchant could not lessen his establishment—he could not give up his country seat, or house at the West End, and retire to a smaller habitation. The physician must keep his decent house, his servants, and his carriage, whether he were successful in his profession or not; and so on with many other professions and trades. A great deal had been said about the inequality of an Income-tax; but the assessed taxes pressed with much greater inequality upon commerce and manufactures than the Income-tax, and they were burdensome to these classes in a degree which the Income-tax could in no way be charged with. Hon. Gentlemen on the other side had done everything in their power to make the Income-tax unpopular, but they had failed. The trumpet they had sounded elicited, at best, a very uncertain sound. The hon. Member for Salford acknowledged, that, though many persons in Manchester were opposed to the Income-tax—the number was not near as great as had been alleged, and the hon. Member further admitted that the petition which had been presented by the noble Lord (Lord Francis Egerton) represented a very large portion of the inhabitants of that place. Let them look to the real feeling that existed amongst the commercial classes. In the great commercial town which he represented, a person had drawn up a petition against the Income-tax, which was placed in the Exchange, and was read and re-read during five or six hours, but not a single signature was affixed to it. This fact was alluded to even by the Whig papers in Liverpool, and admitted as not a little remarkable. Now, the mercantile men in Liverpool must surely be allowed to know something of their own interest, and of the interests of trade; and, for the sake of the advantages which would be derived from the whole scheme of the right hon. Baronet, they were willing to submit to the undoubted inconveniences of the inquisitorial nature of an Income-tax. Even these inconveniences would be greatly mitigated by the option given to the tax-payer of referring to a special commissioner, instead of having his affairs investigated by his neighbour, and by the power of compounding for the term of three years. Considering the depression which existed in trade for the last three years, it probably would not be a bad bargain to make a composition founded on the profits of these years. Attempts were making to throw additional difficulties in the way of the Government, by endeavouring to under-estimate the difficulties that had arisen. The talk about peace or war was mere pedantry. If they came to the technicality of the case, they were at war—they were at war in India and in China; if they came to the substance, they were in a great emergency. It had been well said in that House that there were emergencies in peace as well as in war, and they might be as great in the one case as the other. It was ridiculous, and unworthy of men of common sense, not to say statesmen, to estimate the loss of the brave men who had perished in Caboul by pounds, shillings, and pence. When they were told that no more than 10,000 or 12,000 lives were lost in Caboul, and that that number could be provided for so many thousand pounds, was it possible for any man to have missed the consideration of the effect which that loss would have in shaking the moral impression as to British power throughout the whole of Asia. The 10,000 men so lost could not be replaced by 10,000 others. If lost in victory they would have removed the necessity of employing 100,000 men afterwards. But when lost in defeat they could not be replaced by 10,000, or 20,000, or 30,000.

How utterly unstatesmanlike, then, was it, what miserable fallacy, to estimate the loss by the mere expense per head at which the men lost could be replaced. They were told, indeed, that the disasters in Affghanistan were only an Indian affair, and had nothing to do with English finance. But if the war was engaged in for European objects, was there not a fair claim upon this country? Would any one say, that that war had not been entered on with a view mainly to European policy? It was surely a question with regard to India, whether that country should bear the whole of the expenses of the Affghan war. Perhaps, however, we were only to lend our credit, but even in that case it was obvious that Parliament ought to secure to Government an ample and well-filled Exchequer, on which the world might see that they might satisfactorily rely. At any rate we had the whole expenses of the war in China on our hands; and absurd, iniquitous, and unjust, as he (Lord Sandon) held that war to be, he was afraid it must now be carried on; and who should tell him that the strong feeling existing throughout Asia (independently of that freemasonry of Islamism which had been referred to on a previous evening) would not cause the resistance offered by the Emperor of China to be greatly affected by the disasters in Caboul? Who could tell the new disasters that would thus arise? If the effect were felt in Burmah, in Cochin China, and the conterminous countries, could any one tell that the difficulties in China would not be immediately and enormously increased by the late calamity? A great and wise commander, one too who had served his country in the East as well as in the West, had declared that he was unwilling to trust the interests of the empire to little wars. These wars could not be starved—they could not be carried on on a little scale. Once engaged in the war in China, much as he regretted it, it must be carried on, and it would inevitably cause a very heavy charge to fall on this country. But should the future difficulties and disasters be not so great as there was cause to fear, and if it turned out that they would not require the entire sum which would be derived from the Income-tax, that tax would be still amply compensated for by the opportunity it gave the Government of relieving the commerce and manufactures of the country. And should it be found that the necessary expenses of the country did not continue so far to exceed the ordinary sources of revenue, he trusted that the power thus placed in the hands of Government would be employed by it, in making still further reductions in the burdens upon trade and commerce, so as to more than compensate for this temporary tax. He said temporary, for he hoped it would not be permanent, as it did involve inconveniencies not agreeable to the feelings of Englishmen. But the country would not object to submit to an inconvenience, when a great and important object was to be attained. Attempts had been made to paint, with all the force of impassioned eloquence, the inconveniences which an Income-tax would inflict upon men of science and genius dependent upon the exertion of their intellect. Now it may, certainly, be inconvenient to a man of science, with an Income of 200*l.* or 300*l.* a year, to pay 6*l.* or 9*l.* towards this tax, and he (Lord Sandon) much regretted it; but it was not destruction or starvation to him to do so, as had been represented. It might be, it was, an inconvenience, but let them not be told that it would drive him to the workhouse, or deprive his children of their education? He would be glad if the undoubted inequalities or grievances could be rectified; but he acquiesced in the concurrent opinion of all those, at either side of the House, who had attentively considered this species of taxation, that it should be viewed as a whole, and that they should not descend to minute particularities. It should be remembered, that the per centage of taxation proposed was not very large. It was 3 and not 10 per cent, and that, too, cotemporaneously with considerable measures of relief in other directions. He had, no doubt that the expense of living would be materially diminished by these measures to those especially whose all went to provide the necessaries of life—to persons with small incomes, the very persons, on whom the Income-tax would most press. Then, with respect to the relief that would be given to manufactures by the tariff of his right hon. Friend: that relief was infinitely better appreciated in the manufacturing districts than it was in the House of Commons. For while the manufacturing constituencies, who would have to bear the burden of the Income-tax, either hailed the plan of the right hon. Baronet, or said nothing on the subject, their representatives were busy in that House, and elsewhere, in decrying it, and predicting all manner of misfortune. He believed, that the manufacturing and commercial interests of the country anticipated very great relief from the tariff of his right hon. Friend; and, moreover, that they felt the greatest confidence in the Government. He could have wished some parts altered, as perhaps they would be, in committee, and other parts omitted, in the details of that great measure; but it was utterly impossible not to perceive, at a glance, that it was one every way worthy of his right hon. Friend's reputation; and not to remember that, at its first proposition, there was a most eloquent acquiescence in it on the other side of the House. On that occasion, there was no opposition to the plan of his right hon. Friend; on the contrary, it was cheered occasionally by hon. Gentlemen now adverse to it; and still more, it was held up by the organs of the party, next day, as a great boon to the country—a wise and a just measure. The *Morning Chronicle* received it at first with great applause, and the other organs of the party echoed that sentiment. But after a few days had elapsed, and hon. Gentlemen had had time to take counsel together, and to consider that an Income-tax must surely be an odious thing, and, that at any rate it would not fail to be unpopular sooner or later, the result was a furious protest against that tax which had so recently been praised, as a bold and comprehensive measure, worthy of the occasion, and the Minister who produced it. The country organs of the party, however, did not take the cue so quickly; for, notwithstanding railroads and steam-engines, the country was not as yet so completely controlled by the metropolis as, perhaps, hon. Gentlemen on the other side of the House would wish; and the organs in Lancashire and Yorkshire were going on in the same strain of laudation as the *Morning Chronicle* had commenced with, hailing the proposition of the Prime Minister, and extolling its effects, long after the metropolitan organs of the party had began to condemn it. That an Income-tax would be popular, he (Lord Sandon) was not prepared to contend, for what tax, he would ask, was ever popular? But he did contend, that it had been and would be received by all men of sense in the country as the best that could be imposed in the present exigency and he believed, that it would be considered as tolerable by all men of every class and condition, from the consciousness that it was only imposed for a fixed and definite period. These were the reasons that induced him to give not a reluctant acquiescence, but a hearty and cordial support to the plan of his right hon. Friend. There was only one other point that he should touch on, and as that was in some degree personal to himself, he hoped for the forbearance of the House while he dealt with it very briefly. Hon. Gentlemen on the other side of the House were in the habit of treating the opposition made to the noble Lord's proposition respecting sugar as a political movement; and they had on more than one occasion stigmatised the conduct of hon. Gentlemen on his (Lord Sandon's) side of the House as hypocritical, for the part they had taken in regard to the question. If they were hypocrites, then they were so in common with the Lushingtons, the Buxtons, the Hoares, the Gurneys, and others, of the same opinion, who had also opposed the proposition of the noble Lord on the same grounds, and if such was to be the designation of his (Lord Sandon's) conduct in reference to that subject, then in such company he was proud to accept it. The only argument, however, urged by hon. Gentlemen opposite was, that while hon. Gentlemen on his side of the House took slave produce of other descriptions, they refused sugar. But he (Lord Sandon) had never for a moment pretended, nor did those hon. Gentlemen who voted against the proposition of the noble Lord on that occasion ever contend, that there should not be a trade in slave-grown articles. It was impossible to act on such a principle. The question must be taken by itself. The country had made a great experiment in emancipating the slaves; and he (Lord Sandon), and those who then acted with him, and he concluded even Gentlemen opposite ardently wished the example of that experiment to be followed by other countries. But what was the best way to induce the planters of Brazil, and Cuba, and Martinique, and Gaudaloupe to follow the noble example set them by this country? It was to prove to them that a free negro population could raise sugar in as great quantities and equally as cheap as slaves. Our continuing to admit cotton, coffee, and tobacco being slave-grown did not at all affect the success of that great experiment. The article of sugar was the great test of success, and it was by that test that France, Spain, and Brazil would judge of the experiment. If it failed in the hands of England they would not try the experiment; but by a little forbearance on our parts, a little encouragement in the supply of additional free labour, he (Lord Sandon) had no doubt, that it would be proved that a free black population could carry on the manufacture of sugar quite as well, to say the least of it, as a population of slaves. That was the ground of the opposition that had been given to the proposition of the noble Lord, and not any abstract horror at slave-grown articles on the part of hon. Gentlemen who opposed it. It was an experiment for a specific object, and it was hoped, that by means of its success, the acquiescence of slave-holding powers would be obtained for negro emancipation. At any rate we should not, by giving new and better markets, be counteracting our own efforts for putting down the trade in slaves. The consumer had lost nothing by the refusal to admit foreign sugar, nor had the revenue, for the supply of sugar had been equal to what was then predicted, the price had been moderate, and the difference in point of revenue did not amount to 40*l.* That this humane experiment was not a mere theory was satisfactorily proved, for a memorial had been addressed to the Captain-general of Cuba by the planters of that island in favour of slave emancipation, on the very ground of the commercial hostility of England to slavery and slave-grown sugar. Such a ground was the only one that could be successful with the planters of Cuba and the Brazils; and, in so far the experiment promised to be successful. The noble Lord concluded by apologising to the House for detaining them so long.

Sir *Charles Napier* said, that if he believed the exigencies of the country required a property-tax, an income-tax, or both, or any other tax ever so burdensome, the right hon. Baronet should have his support; but the noble Lord, the Member for London, and the late Chancellor of the Exchequer, had told them that if the last House of Commons had approved of their budget there would have been no necessity whatever for a property-tax. In addition to that, the noble Lord stated the other night, rather late it was true, that if they would also give a legacy duty upon real property, that that, together with the sugar duty, an 8*s.* duty on corn, and the timber duty, would be amply sufficient to carry on the Government of the country. The noble Lord certainly did come forward at rather a late hour with his measures; but why so? Because he knew full well that the whole agricultural interest was against him; that the colonial interest was against him; that the Canadian interest was against him; and therefore he knew full well that had he come forward earlier he still would have fallen: and with the assistance of the right hon. Baronet opposite, the noble Lord certainly did fall. What was the reason that the right hon. Baronet himself did not bring forward the same budget? If he had brought forward an 8*s.* duty on corn, the sugar duty, and the duty on timber, he would have been deserted by those very men who now supported him. He did not think the right hon. Baronet would obtain so much by his own measures as he would have done by the measures he had just mentioned. By corn, he did not believe any great amount of revenue would be got. Corn would remain in bond, as long as that was for the advantage of the owners, as it had remained before, and when the price rose, the bonded corn would come into consumption at a shilling duty. Before the farmer would have the opportunity to bring his corn to market, the speculator would have gained his money, which would be sent out of the country instead of being paid into the Exchequer, and by the high price the poor would be left to starve. He did not believe that the sliding-scale of the right hon. Baronet would assist the Government of this country, while he believed an 8*s.* duty would have been a sufficient protection for the agriculturists and extremely beneficial to the revenue. The hon. Member for Durham (Mr. Liddell) had said, taking off the prohibition duty on live cattle and also upon meat, ought not to excite the fears of the agriculturists, as it would do them no damage. He was not of that opinion. He was himself in a small way a grazier and an agriculturist also, and he was of opinion that on taking off these duties, establishments would be set on the opposite side of the channel, in consequence of a prohibitory duty being to be imposed upon oil cake. [Sir *R. Peel:* "No, no."] He begged the right hon. Baronet's pardon; he certainly had not read the whole of the tariff, but it had been so communicated to him. [Sir *R. Peel:* That point has been corrected.] If so, then that part of his argument fell to the ground. Still he believed that establishments would be set up on the opposite coast for fatting cattle, and that great quantities of fat cattle would be introduced into this country, and most certainly great quantities of meat. To that, however, he did not object. He should give his support to that part of the measure, and to every other part of the right hon. Baronet's proposition which was calculated to do good to the consumers of this country. With respect to the timber duty, he must say he perfectly coincided with the right hon. Baronet. It was melancholy to see the trade that was carried on between Liverpool and America, where not one British-built merchant ship was employed. He therefore thought the right hon. Baronet was perfectly right in lowering the duty on Canadian and foreign timber, and only wished that the right hon. Baronet would go still further, and reduce yet lower the duty on Baltic timber. It was hard to force the consumer to use a bad article when he could be supplied with a better one from another part of the world. He was not disposed to look upon the disaster which had taken place in India in a light point of view. He viewed it as fraught with more importance to this country, than any event that had occurred during the time he had ever had the opportunity of observing events, or during the whole period of his own service, except the mutiny at Portsmouth, and the mutiny at the Nore. He had met with disasters at Monte Video, he had met with disasters in Egypt, he had met with disasters at Corunna, and he had met with disasters at New Orleans, and he had met naval disasters in contending against America, but looking at all the circumstances of the case, he did conscientiously believe that the disasters in India were more fraught with danger than any of the disasters he had alluded to, or anything that had yet happened to this country. He trusted that while the right hon. Baronet was sending out troops to India to redress those disasters, he would remember the words of the Duke of Wellington, which had been so often quoted, that England could not afford to carry on in that country a little war. The words "little war" was very often applied to the policy of the late Government, but he must remind the right hon. Baronet that in all the little wars which the late Government had engaged in, they had always been thoroughly and perfectly successful, with the exception of the little war in China. He was not disposed to make any comments upon that little war, but he certainly thought that, if a little more powder and a little less ink had been used in China in the first instance, the right hon. Baronet would not now have been obliged to send out a large force to that country. He would not say to the right hon. Baronet, "Starve the war in China;" but he hoped the war would be confined in a certain degree to naval operations. He would recommend to the right hon. Baronet to take possession of some of the most important ports of that country, and keep possession of them. That would be a mode of proceeding much less dangerous than any expedition into the interior of China, by which an opportunity would be given to the people to inflict disasters upon us more serious, perhaps, than those which had recently taken place in India. By confining the war to naval operations it would give the right hon. Baronet an opportunity of carrying on a vigorous war, but at the same time, a successful war, in that country. If it were possible for the two great parties in this country who were continually contending, the one to keep in place, and the other to get in, could make some compromise together, the country would be much better governed than it now was. If the right hon. Baronet had taken an 8*s.* duty on corn, had altered the sugar duties, and imposed a legacy duty, he would have been able, with a tax of 2 per cent. on property, and 1 per cent. on income, to raise a sufficient sum to carry the country through its present exigencies. Nevertheless, if that could not be done, he hoped no further obstruction would be offered to the introduction of the bill, because he was thoroughly sensible that it would be better for the country to draw these discussions to a close. He would not detain the House any longer, and if he had said anything that might be considered useful, he should not regret having troubled the House for the length of time he had occupied it.

Mr. *Trotter* said, that he had the utmost confidence in the proposition of the right hon. Baronet, which he thought fully justified by the wars in which this country was now engaged, which were fraught with the utmost danger, and must necessarily be attended with considerable expense. In his opinion, so long as the present dynasty remained on the throne of China it would be very difficult to establish peace on fair and equitable terms. He would not detain the House by alluding at any length to the unfortunate occurrences which had taken place in India, but he would just take the liberty of stating the opinion of a gentleman, a near relative, who had resided at Candahar for about thirty years. That gentleman said it was foretold that when we had conquered the country, then our difficulties would commence. This conquest had been a millstone about our necks, and if we were to regain our position, the expense must be enormous. It was most extraordinary that this insurrection should have taken place to such an extent, and yet that our authorities on the spot should have been apparently unprepared for it. He believed that the distressed state of trade would be alleviated by the plan of the right hon. Baronet, and that a sufficient surplus of income would remain to meet the exigencies of the country. He should vote for the Income-tax from an honest conviction that it was the best measure that could be brought forward, and that it was in conformity with the opinions of his constituents. A meeting was held at Guildford, last week, called by the party mainly instrumental in returning the present Members for the borough, for the purpose of addressing her Majesty and the House of Lords against the Income-tax. The meeting was numerously attended, and the result was, that the meeting resolved to thank her Majesty for her generous offer to bear the burden of the Income-tax equally with her subjects; and another resolution was passed to the effect, that under the present circumstances of the country they conceived that the property and Income-tax, as proposed by Sir Robert Peel, was the very best measure that could be propounded. In supporting the proposition of the right hon. Baronet, he was not only acting in conformity with his own sentiments, but with the wishes of the inhabitants of the principal town in the county which he represented.

Mr. *O'Connell*: If the proposal before the House were one to impose upon Ireland new burdens, I should, as one of the representatives of the country, have demanded as a right the opportunity of delivering my sentiments upon it. Perhaps, I shall not be considered as trespassing upon the time of the House if, when the matter of debate is exclusively confined to this country, I should raise my humble voice, as I am prepared to give my decided vote, in favour of justice to England. I have arrived at the conclusion, that you have proposed, in bringing forward an Income-tax, to do that which is unjust to the people of this country, and therefore am I bound to give to such a proposal all the opposition in my power. I say distinctly an Income-tax; because, if a property-tax had been proposed, no man would be more ready to vote for it than I should be. My opinion goes, perhaps, to an extravagant length on that point. I think that property, and property alone, should be subject to taxation, and that as the State maintains large establishments, and incurs a large expenditure, for the protection, so should property pay in proportion to the degree and extent of protection it received; that the resources of labour—that the production of labour ought not to be taxed, until it assumed the shape of fixed capital. I am not, then, to be supposed as arguing against a property-tax when I oppose an Income-tax. I approve of the one, I condemn the other; and I mean to confine my arguments against the latter in as short a compass as I possibly can. My first argument against the Income-tax I derive from hon. Gentlemen on the other side of the House, namely, that before you have an Income-tax you must have a case of urgent necessity—you must make out a case of stringent necessity to justify you in imposing it. I think that concession does not go as far as it ought; but taking it as much as has been granted, or it is worth, on that point, I say, and I insist, that the necessity has not been made out. The case of necessity has to rest upon a double assumption. First, there is the want of money—next, the want of means of supplying the want of money. What then is your want of money? Two millions and a half a-year, or five millions for two years. Have you, then, no other mode but this of making up that (which, considering the wealth and greatness of England, I must call) paltry deficiency. Judging from the language of the hon. Member who has just sat down, it is hardly worth speaking of. You want only that; and how are you to supply it? Is it necessary to resort to an Income-tax to supply so small a deficiency? I cannot believe that the necessity exists, until you have tried other means, and have failed. You have heard the noble Lord the Member for Liverpool talk of sugar and timber; you have heard him talk of the revenue upon these articles as not productive. He spoke of them as not being likely to be productive. Why, there are not two articles of consumption that are more certain than those of timber and sugar. They are articles of prime necessity. It required the weight of the powerful intellect of the noble Lord to prove that these articles must be non-productive. You must have the practical demonstration, that the revenue that would be raised from these two articles alone would not supply the deficiency of the two millions and a half. You should first make the experiment. Why not make that experiment before you come to this? Why not try that tax that has been often spoken of, that is, the legacy duty upon landed property? Why do you not do that, as you have upon the bequests of personal fortune? An instance has occurred within the last few days of a Nobleman; he left a million in money; that was directly taxed. The same Nobleman left a hundred thousand a-year landed property, and not a shilling of that was taxed. Ought that to be? Or, above all, ought that landed property to be taxed before you resort to an Income-tax? The people of England will probably discover that it is not right that there should be a perfectly distinct class not subjected to the same burden with others; that when mere money is subjected to taxation, the landed interest ought not to be dispensed with; that it, too, should be exposed to a similar burden. That is a source of income you ought to try—that is a species of taxation you ought to have resort to before you attempt an Income-tax. You ought to equalize landed property with mere pecuniary property. Doing this would be in reality justice and fair play; and, till you have tried that experiment, you ought not to talk of an Income-tax. What are the five millions you speak of put down for two years? You boast of the great amount of taxes that you have taken off. You say, that you have already taken away not only seventeen millions of an Income-tax, but that, with others, you have reduced the taxes by 24,000,000*l.*—that you took off taxes to the amount of 24,000,000*l.* per year. Am I not safe, then, in saying that you will find resources amongst the taxes that you have taken off? Having taken off 24,000,000*l.*, how is it possible that you can show, that amongst these taxes you cannot find what will give you a supply for two millions and a half a year? There must be amongst all these something to supply the deficiency, and I am not bound to show you which. It is sufficient for me to say, that the restoration of one-sixth would take away every pretext that you have for laying on the Income-tax. As it seems to me, you make out no case for the necessity of an Income-tax. You have abundant resources, according to your own showing, which you may bring into operation before you come to this tax. For my part, I never will consent to an Income-tax, short of the country being in a state of real war. I think that it ought to be a war tax. I do not think, however, that it should be called for now, even after the horrible events that have occurred in our eastern dominions. The war there, surely the noble Lord has exaggerated I hope, though he described, I fear, but too truly the peril. It may be considered as making against my argument to admit the peril that there is in that war; but then it is no such war as that in which you ought to have resort to the Income-tax; because you have already shown that it was for a different kind of war you first assented to this tax. The noble Lord, indeed, talked of statesmanlike conduct. Now, it seems to me to be not very statesmanlike conduct to give expression to the fearful suggestions that he has done; for the doing so by him cannot but add enormously to the peril that really exists. It was said by some one, I think by Lord Brougham, at one time, that England was bound in recognizances to the amount of eight hundred millions to keep the peace. It is a sentiment that I have often heard repeated by Mr. Hume, and whose voice I hope soon to hear again within the walls of this House. It is a sentiment that is heard frequently repeated abroad. The knowledge of it is a source of weakness to you. It takes away from that authoritative tone which England might otherwise employ towards the other nations of the earth. The eight hundred millions of your debt are considered by your bitterest enemies as a weapon which they can use for your weakness. Is it wise, then, at such a moment as this to make your weakness still more palpable, by giving so fearful and so desponding a picture of the dangers that threaten you in India and in China? I think not. I think you ought not to do any such thing; and that, though you state that you have suffered much, yet you should rather be disposed to show your resources than exhibit your weakness. I think so, and I think, too, that this is not, beyond all others, the occasion when you should have pursued such a line of conduct. Are you so safe with Russia? Have you no peril of a real war with Russia? Are you secure of France? I know that you have praised the King of the French. I have heard him lauded and be-praised here, so that good taste (and I am not very fastidious) has been outraged by their gross exaggerations. I have heard M. Guizot, too, spoken of here as the perfection of ministers; and I have, though by no means bound to do so, blushed for Englishmen when I heard the praises of the man. And yet you are not safe with France. No; there are perils there. You are not secure with the lauded King of the French. I am quite justified in saying that with him you cannot be secure. You have, then, perils before you. You have, too, great perils with America. [*Cheers.*] I understand these cheers. It is part of my argument. You have, then, greater perils on the part of America, because, as I believe, you are right—perfectly right—in the quarrel. Upon the right of search, I think that the paper of Lord Aberdeen proves the matter to demonstration, as I understood it. In the matter of the Creole you are undoubtedly right, but then you have to fear American pride and resentment; you have to dread that disposition to animosity which men are most ready to evince when they are most in the wrong. Shall I be told that these are perils for which you should be prepared? Yes, and I am arguing that you should not have an Income-tax until the exigency of the time requires it. I wish to show you that you ought to hoard up your Income-tax as a weapon to be held *in terrorem* over your enemies. You should have hoarded it up for the exigencies of war, to which you might threaten to resort in case of necessity. Your capacity to encounter your enemies should be this—your power at any time to resort to an Income-tax. It would be felt by your foes as your power to encounter their armies. In former wars you raised seventeen millions per annum with an Income-tax. You should be able to say that England can, if requisite, raise twenty millions per annum—that which would represent five hundred millions of francs. It is your weapon of defence, and do not throw it away. [*Hear, hear.*] Smile or sneer, if you please; but still listen to that which is said to you. At present you listen but to the voice of party. You bring this on amid all the fervour of party zeal. Consult, I say, your own interests and your own judgments, and seek not for a triumph which can only serve a party purpose. You may now enjoy such a triumph; but when this tax is laid on, when the burden comes to be felt, when it is in operation upon the intelligent classes, on those who have but a life annuity, on those who have but a precariou income—when the tax comes into operation, and is felt by those, do you think that the knowledge that it was laid on when there was no necessity for it, when it was not required, when that knowledge is coupled with the injustice of the thing itself, do you not think that you will make many formidable enemies for yourselves, and that a cry will be raised, which has only to be repeated, and that once was so loud that even an unreformed Parliament could not make head against it. Recollect what you are doing. You are laying down the surest means of arraying against yourselves all the active talent of the nation—the rising lawyers—the rising physicians—the skilful clerks, whose superior talents enable them to obtain larger salaries. All these —all the activity, intelligence, and talent, you are placing in hostility to yourselves. This you are doing with those suited to be the most formidable leaders of public opinion that can possibly be imagined. Should these proceed in a course which may make men disgusted with the Income-tax when the real necessity for its use may arise? Why now throw away a weapon from which you may derive at a future time such advantages, and when the opinion entertained respecting it may be beyond the reality of its power? If you keep it in your armoury, you will be the stronger, perhaps, for the struggle, because its powers are unknown. I oppose it, then, because you have not shown the necessity for it; but assuming the necessity, then I oppose it, because there are other resources sufficient to meet that necessity on which you may rely. I oppose it because of its vexatious nature, of the inquisitorial powers it confers, of gratifying animosity in some, of idle curiosity in others, and in all of a mode of disposing of men's property that ought to be unknown in a free country. First, a man must satisfy the surveyor, and then the inspector—I am now talking of the provisions of the former bill—then there must be an appeal to the additional commissioners, and finally to the general commissioners. These are provisions of the former act. They authorize the inspection of books. In every case they can require statements—they can demand an account of profits and losses—they can reject it—they are entitled to take the checks of a merchant—to take his books—to stop his business—and there was no appeal to a judge or a jury; but all was to be decided despotically. He hoped that many of these things would be altered; but in the very nature of the thing, there must remain many matters in the machinery that must be productive of the greatest mischief and vexation. Was this then, the species of tax that the House should regard as indispensable to introduce into the country now, and when you are threatened with a period, which I hope may never come, but for which it certainly ought to be postponed—namely, a state of actual war—for a period, when the country might be in danger; when one and all might regard the safety of the State as in peril? It is for such a period, I maintain, that you ought to keep it, and not throw it away, by exposing the country to all its horrors at the present moment. I object to the Income-tax as unnecessary. I object to it as not justified by any necessity short of war. The necessity you have not been able to show—the necessity has not arisen. I object to it now, as it ought to be reserved for a state of war. I object to it as unjustifiable. And, lastly, I object to it as the perpetration of arrant and gross injustice. What injustice, I ask, can be so great as that an unfortunate clerk with 300*l.* a year, who is dependent, perhaps, upon the caprice of his employer, upon his health, and whom an accident in the office might disable from earning a shilling, should be called upon to pay this tax? A man such as that is placed upon an equality with the owner of a fee-simple property. If that man died, his family would be left without a provision, while the owner of the fee-simple estate, if he died, must leave that which would be equal to 9,000*l.*, or a fair sum to subsist upon. You tax the one as much as you do the other. You may call that justice if you please; but, in the name of common sense, I denounce it as an arrant and gross injustice. Is there, then, no injustice in a man disclosing the amount of his income? Is there no injustice in forcing a man to be an instrument in doing himself the wrong of charging himself with possessing more than he really owned? These, Sir, are reasons that convince me I ought to oppose this law. I oppose it as an Income-tax—not as it may be mixed up as a portion of a property-tax. I confess that I have an additional reason for opposing it—that it is to maintain the landed aristocracy—that it is a struggle to keep up their rents; for it has been candidly admitted that rents ought to be maintained. It is to maintain the landed interests in the possession of their high rents that you do this. And why should you not do so? Are they not your masters, and able to displace you if you dare to offend them? The legislation is for one class; and there is no mitigation in any way for the horrors of the bread-tax, as they existed. For my part, I am for an equality of free-trade. I am for no bastard, or left-handed free trade. Have first a free-trade in corn, and then let others have all the advantage in other things of an absolute free-trade.

Lord *Eliot* commenced by observing, that the apology with which the right hon. and learned Gentleman had commenced his speech was, in his judgment, quite unnecessary. He hoped it never would be thought requisite for any hon. Member to offer to the House an apology for taking an active part in the immediate concerns of a different branch of the empire from that with which he was connected. He should not follow the right hon. and learned Gentleman through the whole course of the observations he had just addressed to the House. The right hon. and learned Gentleman had contended, that other means than those proposed by her Majesty's Government ought to be adopted to supply the deficiency in the revenue which was admitted on all hands to exist, and the right hon. and learned Gentlemen admitted, that some further aid was necessary from the taxes repealed since the end of the war, but he had studiously abstained from pointing out that tax from which the deficiency ought to be supplied. True, he had touched upon one single point—namely, the probate duty, but the right hon. and learned Gentleman had forgotten the statement on that subject read by his right hon. Friend. If he wanted an argument to confirm the view he had taken of the policy of the scheme proposed by his right hon. Friend (Sir R. Peel), he could find it in the speech of the right hon. and learned Gentleman. The right hon. and learned Gentleman had drawn a frightful picture of the dangers with which he seemed to think this country was environed; and it certainly appeared to him somewhat extraordinary, that after exhibiting such a picture, the right hon. and learned Gentleman should deprecate the preparations to meet those dangers made by his right hon. Friend. He conceived, that looking at the situation in which this country was placed, she would be better able to encounter the perils with which she was said to be surrounded when her credit was good from having a large surplus revenue. The right hon. and learned Gentleman had alluded to the character and the operation of the Income-tax. Now, he hoped and believed, that his right hon. Friend was prepared by the machinery of the present measure to obviate and remove many of the objections urged against the former law. He, therefore, asked the House what was the present stage of the bill—it was on the bringing up the report of the resolutions on which the bill was to be founded; and would it not be better and more opportune to discuss these points when the bill with the machinery it provided was before the House? The hon. Member for Leeds had adverted to a meeting lately held in that town to petition against this tax. He would ask that hon. Member what tax there was in existence to petition against which, a meeting might not be convened? All admitted, that additional taxes were necessary in the existing state of things, and he had not heard a single tax suggested to which no objection could be made. He might be permitted, on this occasion, very shortly to advert to a matter personal to himself. He had been made the subject of some misrepresentation in the county he had the honour to represent, and the hon. and learned Member for Liskeard, last night alluded, though not personally to him (Lord Eliot), to those county Members who at the last general election had concurred in holding up the budget of the noble Lord, the Member for the city of London, to the reprobation of the constituent bodies. It was true he had condemned the budget of the noble Lord, and he did so still. He had objected to a fixed duty on corn, as not calculated to benefit the consumer, and in that view he was borne out by facts and figures. He had also contended, that a fixed duty would not operate beneficially for the producer, because under it he would not, in time of scarcity, be able to maintain his price. That was admitted by the noble Lord himself. He had exhorted his constituents to resist the proposition of the noble Lord, and that they concurred in his views was proved by their having sent him to that House as the opponent of the corn bill of the noble Lord. It had been said, that the farmers were not prepared for any material change or alteration. Now, on the hustings, he had been asked by an hon. Baronet, formerly a Member of that House—he alluded to Sir William Molesworth, what he would do if any material alteration was proposed by Sir R. Peel. His answer had been, that he abided by the sliding-scale, but that he did not possess the requisite knowledge to decide what alterations ought to be made in the details of the Corn-laws; but he would not support any plan which did not meet with the general acceptance of the agricultural body. Now, he would ask the House, whether this measure had not met with the acceptance of the agricultural body? He had, however, to meet a double argument; first, the right hon. and learned Member for Dublin talked of legislating for class interests, and then other hon. Members held, that he had been inconsistent, and had sacrificed the interests of his constituents. Surely these two arguments were wholly incompatible. He had always maintained, that a certain rational protection ought to be afforded to the British farmer, whom he did not believe to be anxious to maintain exorbitant prices. But when he was taunted with having deceived his constituents, he trusted he did not overvalue the position in which he was placed, when he said, that though it was of little importance whether he held a situation under Government or not, still embarked in the fortunes of the Government, he felt he should not be justified on light grounds in leaving office; but, after the question had been opened, he had consulted with his leading influential supporters in the county he had the honour to represent, and told them, that if they thought he had deceived them, he would abandon his seat and go to a fresh election. They one and all had replied, that his conduct in supporting the proposition of Sir Robert Peel was not inconsistent with any declaration he had made, and that he had not been guilty of deceit or delusion. As to the tariff, on most of the articles he was unable to give a definite opinion. He was bound to admit, that as to some of the articles considerable alarm existed in the minds of some of his constituents; he had received representations to that effect. He did not concur with them; he believed that the evils to be anticipated were greatly exaggerated. He alluded particularly to the importation of cattle and meat. The best information which he had received led him to suspect there was no cause to expect any great importation or such prices as materially to depress the markets of the kingdom. His right hon. Friend would be able to show this conclusively in the statement which he would make to the House. As to the Income-tax itself, he did not think it necessary to address the House many observations upon it. Hon. Gentlemen had talked of assessed taxes, but they would weigh unequally and perhaps more oppressively on the middle classes. Before so many objections were made to the inquisitorial nature of the tax, it would have been as well to have waited to see the machinery by which the right hon. Baronet proposed to carry the tax into effect. He could not but express his gratification, that the right hon. Baronet had been able to draw from Ireland that which was its just proportion of the tax, without proposing sensibly to add to its taxation. He should ever have in view the wealth and prosperity of that portion of the empire.

Mr. *Hawes* observed, that the argument of the noble Lord was quite inconsistent with that of the first Lord of the Treasury; for while the one said there would be no large importation of foreign meat or cattle in consequence of the tariff, the other declared that the relaxation produced by it would cause a saving to each family equal to the amount of the Income-tax imposed. Leaving this point, the hon. Gentleman proceeded to say, that there were two distinct plans under their consideration. One was a Property-tax, and one was an Income-tax. The latter had been adopted, and much as it might be denied, it was a tax that pressed upon the poor; for although it was pretended that this system of taxation did not affect the labourer, yet it did depress the active and productive capital of the country, and so it did injure the labourer. He had good authority for stating that there was a great distinction between a Property-tax and an Income-tax. The opinion of Mr. Huskisson had been already referred to, and he would not again quote it; but Mr. Huskisson's opinion, so late as the year 1830, was adverse to an Income-tax and in favour of a property-tax. There were authorities, and clear authorities, which drew the distinction; and sure he was, that an Income-tax would directly affect the fund out of which the labourer was paid, and so would effect more injury to the workmen than what were deemed indirect taxes On the 5th December, 1798, the then Sir Francis Baring made a powerful and convincing argument on the difference between an income and a property-tax. He said:

> "A learned gentleman had made some distinction between a tax upon income and a tax upon capital. With regard to income, he seemed to think there could be no evasion. In some measure, the learned gentleman might be right; but, with regard to trade, he certainly was in the wrong; for in commerce the bill would be liable to evasions and frauds without end. A man might have a large income in trade, and yet his property could not be ascertained. Even could it be come at, there were occasions when it should not be touched. There was nothing which should have a stronger claim on the protection of Government than creative talents in mercantile pursuits. Where industry was engaged in accumulating property, it should be encouraged, not cramped nor dispirited. The industrious and enterprising should be protected; at least, he should not be molested whilst engaged in producing a capital. When it was produced, then let it be taxed; but, while he is engaged in the pursuit, no inspector should pry into his affairs."

That was the opinion before the bill had been tried, when the principle was under discussion, and the whole of the debate showed that it was not anticipated that the tax would endure beyond the time of the great pressing emergency. The plan now proposed by the right hon. Gentleman was not only at total variance with that proposed by the late Government, but it appeared also to be in direct violation of the principles which his own party had laid down previous to the dissolution of the late Parliament, and he referred to this discrepancy because he thought the country had the greatest interest in the consistency of a large party. He recollected perfectly well that the noble Lord, the Member for North Lancashire, in a speech which he delivered only so short a time since as last June, stated the grounds on which the dissolution was about to take place. In the course of that speech he was guilty of an irregularity which gave the noble Lord a better opportunity of declaring his opinion, and the public had a right to try the plan now proposed by the expectations which the noble Lord and his party had then raised.

"The hon. Member for Lambeth (said the noble Lord) told us this evening that an appeal is about to be made to the public, not on any general or undefined question—not to decide whether this or that man shall be at the head of the Government—but simply on this distinct question—whether or not the country will do away with the corn monopoly, which is the cause of various other monopolies [Mr. Hawes: Not the corn only]. Well, then, according to the hon. Member, Ministers are about to appeal to the country for the purpose of inducing the constituencies to return such a House of Commons as will effectually put down all those great interests of the country which they are pleased to call monopolies, of which interests that of the landowners and agriculturists is, in their mind, the first, the greatest, and the most atrocious. The question is fairly put by the hon. Member for Lambeth; and it is the question on which Government are about to dissolve Parliament."

He would now ask whether the noble Lord and his Colleagues had maintained these monopolies, or had abandoned them; had the corn monopoly been maintained? Had he maintained the monopoly of the provision laws? He had declined to touch the sugar monopoly, but why did he decline to touch that monopoly when they touched the others? The great difference between the plan proposed by the present Government and that brought forward by the late Ministers was, that the late Government thought they should be able to obtain sufficient revenue by grappling with great monopolies, whilst the present Government had thought it part of their duty to maintain those monopolies, and at the same time to impose great additional taxation upon the country. It appeared to him that if they sought to obtain an increased revenue they were bound in the first place to take up those articles on which there were high duties. If they had removed the monopolies on those articles they might then have entered fairly upon the general question of free-trade, they might then have justly exposed the English labourers to competition with foreigners, which would be most unjust without the change. They maintained, however, a high price for corn; and although they altered the tariff, according to the noble Lord the Member for Cornwall's (Lord Eliot) own admission, there would be no sensible diminution in the price of other articles of food. The present Government, then, exposed the labourers of this country to direct competition with the labourers of other countries, without enabling the English labourers to obtain their food at the cheapest rate. He acknowledged that the amended tariff would contribute to the advantage of the trade of this country; the step which had been taken was a step in the right direction, but towards the great mass of the people of this country it was an act of injustice, which would not long permit the right hon. Gentleman to maintain the corn monopoly, and the other monopolies he now shielded. The Income-tax would create much discontent, and that discontent would be directed against those monopolies of a much more serious character than any article included in the proposed tariff. The noble Lord the Member for North Lancashire had said that the corn-bill of the noble Lord on that side of the House (Lord John Russell) had been scouted. But by whom had it been scouted? It had been scouted by the counties, and by the Members returned by the landlords, who were the real rulers according to the noble Lord's own view. For when they talked of the county representation, they must recollect the noble Lord's own declaration, that to know who would be the county Member, it was only necessary to cast up the numbers of the landed proprietors on one side, and on the other, in each county, and then they could easily decide what would be the character of the representatives. By them the Corn-law of the late Government had been rejected. The farmers now, however, entertained somewhat different opinions. He had received accounts of agricultural meetings. One had taken place at Harleston, in Norfolk or Suffolk, where the farmers had declared that they preferred a fixed duty. They agreed to a petition, they adopted his noble Friend's plan, and they rejected the Income-tax and the tariff on cattle proposed by the right hon. Gentleman. The right hon. Gentleman held out his sliding-scale and his Corn-bill; he held out his tariff and his Income-tax. What did the noble Lord (Lord J. Russell) say? He hoped by a tax of 8*s*. upon corn, and by a reduction of the timber duties, and by an alteration of the sugar duties, to produce an ample revenue. His right hon. Friend the late Chancellor of the Exchequer had reserved to himself the right to issue Exchequer bills, to make up a temporary deficiency; but he believed that if the reduction proposed were made upon the great articles of consumption, they would be able to go on without making any addition to the taxation of the country. He thought that if the farmers had now the two plans before them, and began again, they would see some advantages in the 8*s*. duty over the plan of the right hon. Gentleman; and that if they went back to the constituencies the noble Lord would have the preference which, on the last occasion, was offered to the right hon. Gentleman. One reason which the right hon. Gentleman had found for his Income-tax was in the proposed reduction of the tariff. He very much questioned whether the evil of an Income-tax was not a full equivalent for any reduction of the dutes in the tariff. Were there, however, no other sources from which the Government could obtain a revenue? The noble Lord near him had adopted the manly and the straightforward course; he had departed from the plan of Mr. Tierney, and the plan pursued last year, of opposing everything and proposing nothing. The noble Lord's conduct was the very reverse of the Opposition of last year; for the noble Lord had taken the bold and manly course—he had proposed another plan, and he had shown how he would be able to apply his principles in practice. But must they resort to an increase of taxation?—and were they forced to take the Income-tax proposed by the right hon. Gentleman? We were even now paying off 2,000,000*l*. a-year of the national debt. [*"Where, where."*] He would show them where. He saw the hon. Gentleman, the Secretary for the Treasury (Mr. G. Clerk) present, who was well acquainted with those details, and he would refer him to a parliamentary paper laid on the Table of the House, on the 22nd June, 1841, by Mr. More O'Ferrall, the then Secretary of the Treasury, which had not been alluded to in these discussions. From this paper it appeared, that between the year 1831 and the year 1841 we had paid off 22,600,000*l*. of the national debt, and that we were going on to pay off the debt after the same rate. The whole amount of public debt in 1831, funded and unfunded, both as to capital and charge, supposing the terminable annuities to be converted into equivalent perpetual annuities, was 838,548,903*l*., In the year 1841 it had fallen to 815,957,936*l*., making a difference of 22,591,967*l*. He defied his hon. Friend, the Member for the City of London, to contradict that statement; and he defied him to show that we were not going on paying in the same proportion. And were they to be told that there was such an emergency that nothing but the imposition of an Income-tax would enable us to supply our wants, and put the country into a proper state of defence? For himself, he never would consent to the imposition of this tax, whilst there was such a surplus revenue to be applied to the reduction of the national debt. Then the right hon. Gentleman referred to other sources of taxation which he had refused to adopt, and there was one point that fell from him relative to the taxes on consumption, to which he would call the particular attention of the House. The right hon. Gentleman appeared extremely doubtful whether he would be able to obtain an immediate increase of revenue by reducing the duty upon articles of large consumption. He did not anticipate that he would be furnished within the year with sufficient funds from such a source. He wished that the right hon. Gentleman had more confidence in the increase of revenue from a great reduction in the price of articles of large consumption. A paper which he held in his hand would show at once how great an increase of consumption took place in an article of large consumption, when there was a reduction in the price. He had taken the price and quantity of corn sold in markets making returns to corn-inspectors in the first thirteen weeks of every year from 1829, the first after the Corn-bill came into operation, down to 1842, the present year, and he had taken the whole period, that he might not be accused of selecting any particular year, and he found such a regular indication of a rise and fall of consumption from a rise and fall in price, that if it were a barometer to register the different weights of the atmosphere, the change should not be more certain. In the first thirteen weeks of the year 1829, the quantity sold was 514,470 quarters, and the average price was 74*s.* 11*d.*; in 1830 the quantity increased to 905,701 quarters, the price having fallen to 58*s.* 4*d.*; in 1831 the quantity fell to 691,448 quarters, for the price rose to 72*s.* 1*d.*; in 1832 the quantity increased to 805,492 quarters, the price having declined to 59*s.* 4*d.*

	Qrs.		*s.*	*d.*
In 1833 the quantity sold was	844,293,	the price	52	8
1834	847,396	..	48	4
1835	977,135	..	40	5
1836	1,076,128	..	41	7
1837	929,559	..	57	1
1838	977,263	..	55	4
1839 .. .	610,035	..	74	6
1840	975,981	..	66	6
1841 . ..	949,156	..	62	2
1842	703,892	..	60	6

From the year 1829 to the year 1842, with every fall of price, there had been a clear augmentation of consumption; as regularly as the price fell, the quantity consumed was increased. Here was a fair indication of what would be the effect of reduction in articles of great consumption. He, therefore, complained of the measures of the present Government; they shut the door to the advantages which would have followed the proposals of the noble Lord on that (the Opposition) side of the House; that they deprived the people of the reduction of duties which would have augmented commerce and flung the people back upon those great monopolies, which did so much injury to trade. As to the Income-tax itself, he would look upon it only as founded in inconvenience and injustice. There was not one Member who had spoken on either side of the House who did not admit its impolicy and its injustice. The hon. Gentleman the Member for Winchester himself admitted its impolicy. Did the hon. Gentleman admit that the tax upon skill and talent should be the same as the tax upon permanent property? Then he must lose all hope of converting the hon. Gentleman. He would have thought that 100*l.* derived from talent was not of the same value as 100*l.* permanent income derived from land—yet both were taxed the same. The fee-simple in land, and the income which depended upon property, and that which came from professional skill, were placed on the same terms, and that was one of the inequalities on account of which he more particularly objected to this tax. There was a circumstance which had come to his knowledge, as to the mode of assessment under the old system, which would illustrate not only its injustice but its inequality. Two parties largely engaged in trade lived in the same place; one returned no income, and the other actually paid 400*l.* a year tax. The party who returned no income was summoned before the commissioners, who said, "We know we cannot punish you for not making any return, but you must pay your tax." The answer was, "I have made no profits, and I intend to pay no tax." The commissioners said, "Why, your neighbour, who is in the same trade, pays a tax of 400*l.* a year, your house is as good as his, and you are apparently a man of fortune; how is it then, that you return no income?" The reply was, "I return no income, it is true, although I admit I live in the same way as my neighbour who pays 400*l.* a year, because I have landed property, for which I pay in another place, and I do not care who knows that I make no profit, but my neighbour who pays 400*l.* a year tax, has nothing but his business. I do not mind about my situation being known; but if he did not pay a large tax, the world would soon know that he was making no profits, and he would be a ruined man." Did either party rely on the oath of secresy? No, they knew they were dealing with a board, from which it was likely the amount of the income would leak out; the one having no profits, paid 400*l.* a year, because having no property, a knowledge that he made no profits might materially injure him; he could place no reliance upon the board, he felt no security that the truth would not escape. But the other, who was doing nothing also, paid not a farthing; he had property elsewhere, he could set the commissioners at defiance, and did not care who knew his affairs. Another objection which he had to this tax was, that he thought it would place her Majesty's Government in a situation to pursue whatever course of policy they pleased, because it had a tendency to encourage war, to increase expense, and to place the country at the feet of the minister of the day. When it became known in the country there would be no popular feeling in its favour. He was aware that when he said that the tax was not now unpopular, it might be assumed from the quiet of the people; but when he had the authority of the noble Lord the Secretary for Ireland (Lord Eliot) for saying that cheap living would not reach the majority of the people, he was sure that many would feel acutely the disadvantage of the prospect of an Income-tax. The result, then, to sum up, was, that her Majesty's Ministers were determined to maintain untouched the great protected interests of the country. They made a change with respect to the timber duties alone; in the very interest which was least able to resist a change was that change permitted to take place. He admitted the advantage of the proposed alteration. He knew as well the benefit of cheap timber as hon. Gentlemen opposite; he was willing to accept the boon, but he was not willing to impose upon the people an Income-tax to gain the benefit, especially as there were many other sources from which the deficiency might be supplied. Then the noble Lord on that side of the House had proposed to put the great interests of the country upon a fair footing—he had proposed to place the Corn-laws on a footing approximating to a free-trade, he had proposed to reduce the duty on sugar, and to change the duty upon timber: he had dealt boldly and fairly with all the great interests in the country. He had done what he was bound to attempt, for they ought to attack the strong before they touched the weak. This was the great distinction between the plans of the two Governments, it was the great distinction which had ever marked the two great parties in the state. The one was ever identified with popular interests. as clearly as the other was identified with monopolies and with protection. He knew not how the feeling of the country, said to be in favour of this measure, had been discovered. He had heard it said that the provincial press was not so much against the Government proposals as were the London journals. But he had looked at the writings of the provincial press, and he could not find one paper that had supported the Income-tax. They said that they would support the tariff—they said also that they would support a property tax; but when they came to mention the Income-tax, they said they were sure that in the House some important alterations would take place, and that if this were done they were upon the whole willing to accept the Government proposals. He would ask them whence did the Income-tax derive its support? Did their leading paper in London—did that journal which had done more for their party than all their speeches put together—did the *Times* support the Income-tax? Could they tell him of one interest that agreed to it? Let him warn them in time. If they did not take care, Schedule D would be knocked clean out of the bill, and they would be fixed with the property tax. Directly the popular indignation was raised against Schedule D, the people would raise the question of a graduated property tax, and then would come the consequences of their party policy and their party divisions. They had chosen to reject the measures of the noble Lord—they were in great danger of being saddled with a property tax; he believed that it would be saddled on them, and he for one would not regret if such a tax were visited upon them as the just reward of their party tergiversation.

Lord *Eliot* explained that he had not said that the importation of foreign cattle would not affect the price of food in this country; but what he had said was, that he believed the fear of the agriculturists as to the amount likely to be brought in to be much exaggerated.

Sir *J. Graham* did not know that he should have thought it necessary to trouble the House with any observations in this debate, but for the pointed manner in which the noble Lord the Member for the City of London had expressed his surprise that he should have remained silent. The noble Lord had paid him the compliment of singling him out as one whose bounden duty it was to address the House, but notwithstanding the undeniable ability which signalized the speech of the hon. Member for Liskeard, he had felt perfectly willing to rest the case of the Government upon the speeches that had been already delivered by his Colleagues, while he was not willing lightly to prolong this debate, when delay at the preliminary stage of the measure, was exceedingly injurious to great public interests. Testimony to that effect had been borne last night by the hon. Member for the City of London (Mr. Masterman); and again most distinctly this evening by his noble Friend the Member for Liverpool. That such was its effect was not dissembled by the hon. Members for Hull, one of whom was on the Opposition side; and it had also been acknowledged by the hon. Member for Leeds (Mr. Aldam), in what he must characterize as a first speech of considerable promise. The hon. Member for Liskeard had remarked upon the absence of any strong indication of public feeling as to the measure of the Government, and the same truth had been conceded still more expressly by the hon. Member for Lambeth. Both admitted that any opposition of a successful character to that measure was now hopeless; but at the same time they looked forward to a renewal of that opposition at a future time, when the evils which they said would attend the collection of the tax came to be experienced: and the right hon. Gentleman opposite (Mr. F. Maule), who had been so anxious before Easter for the postponement of these discussions, that he might have an opportunity of visiting his constituents and hear their opinion upon the Income-tax, would no doubt tell the House that he had come to the same conclusion. The right hon. Gentleman had now had that opportunity. [Mr. *Maule*: You have misrepresented what I said.] The right hon. Gentleman would have an opportunity of explaining and of stating what had occurred. But he had been told that the right hon. Gentleman did visit the city of Perth, and that very distinct opinions were immediately expressed to the right hon. Gentleman as to the measures of her Majesty's Government. The right hon. Gentleman was informed that if he called a private meeting of his friends upon the subject, even then he would find himself in a considerable minority. But if he called a public meeting in the open air in the Inch of Perth, the "unhappy budget of the late Government" (to use his noble Friend's expression), as contrasted with that of her Majesty's present Government, would be again scouted, as it had been at the general election, and that the measures of her Majesty's Government would be hailed with satisfaction by an overwhelming majority of the people of Perth. That was the sort of confirmation he expected to hear from the right hon. Gentleman of what had already been admitted by those on the same side. It had been acknowledged by the hon. Member for Salford, with the greatest frankness, that hon. Members had partaken in the wish of the right hon. Gentleman, that the discussions should not be brought to a close until after Easter, in order that public feeling might, in the mean time, express itself. He, too, had visited his constituents, and he, too, disavowed all hope of any immediate successful opposition in Manchester. To be sure, he talked of the apathy that prevailed; but he could not understand the sort of apathy that allowed of a petition in favour of the measure being signed by 24,000 of the principal inhabitants. No public meeting had been assembled in that great centre of manufacturing industry. [Mr. *Brotherton*: Yes, yes, there was.] Oh! a meeting of the town-council. [Mr. *Brotherton*: A meeting in the town-hall and on the exchange.] But he had yet to learn that there had been any meeting in Stephenson square, or that a majority of persons whose incomes were under 150*l.* per annum were dissatisfied with the measure, or looked upon it in any other light than as a special benefit. The hon. Gentleman the Member for Lambeth, following in the train of the hon. Member for Liskeard, had been pleased to observe upon what he called the glaring inconsistencies in the arguments on that (the Ministerial) side. The hon. Member for Liskeard had set forth those alleged inconsistencies in his own peculiar way. He said, "If we call the tax inquisitorial, we are met with the cry of 'China!' If we call it unjust, the answer is 'Affghanistan.' Your arguments are inconsistent. One says that the tariff will be inoperative, as in fact a mere delusion, while others hold out the greatest expectation that we should find a compensation for the Income-tax in the reduced prices of articles of consumption." The hon. Member for Lambeth had quite misunderstood, and had misrepresented, unintentionally no doubt, what had fallen from the noble Lord the Secretary for Ireland. The hon. Member said that the noble Lord had declared that all apprehensions with respect to the tariff, so far as any alteration in the scale of duties affecting provisions went, were unavailing. His noble Friend, as he had understood him, both when he made his original speech, and in the explanation which he had given, had affirmed nothing of the kind. His noble Friend had said that the apprehension was, that the effect of the alteration of the duties would be a ruinous reduction to the producers of articles of the nature of provisions, but he had said that that apprehension would prove to be groundless; but the noble Lord never intended to say that the removal of prohibitory duties upon articles of first necessity would be entirely inoperative, and that no reduction of price would be effected. For his own part, he said that the Government had exercised both prudence and wisdom in yielding to the necessities of the times, and to the wants of the rapidly increasing population of this country. They had taken effective measures gradually to reduce the price of corn, of wheat, and of the articles of first necessity, and he said that the time had arrived when it was indispensably necessary that this should be proportionably added to the supply of labour. Again, the great improvements in machinery had decreased the demand for labour (he alluded to the immediate effect of machinery, not its ultimate operation), and at the same time reduced its value, and he contended that the time had therefore arrived when the Legislature ought, not hastily, because that would only aggravate the evil by leading to a further displacement of labour, but prudently and cautiously, to effect a simultaneous reduction in the duties on articles of the first necessity. That had been the object with which the Government measures had been framed, and he believed that they would succeed in attaining it. He was persuaded that the working classes clearly understood this, and that it was a fixed and rooted belief with them that this tariff, taken in conjunction with the scheme of taxation, was one calculated to promote the great interests of the people and of the great bulk of the community. On those grounds it had received his support, and on that ground he would not fear to appeal to the country on the measure. Returning, however, to the charge of inconsistency, he must say that it appeared to him that the great inconsistency was on the other side. Some (and the right hon. Lord Mayor of Dublin in particular) said that the Income-tax was entirely a war-tax. It was asserted also in that resolution of the noble Lord (Lord John Russell) in these words:—

> "That it has hitherto been considered a financial reserve of the nation in the time of war;"

Which clearly pointed to this being a war-tax only. But what were the opinions of some other hon. Gentlemen opposite upon this subject? First, there were the right hon. and the hon. Members for Coventry. The right hon. Gentleman, formerly a Member of the Administration of Lord Melbourne (Mr. E. Ellice), strongly opposed this view. He said,—

> "Prove to me that this tax is necessary, and it is, in my opinion, equally applicable whether in time of peace or of war."

He did not rely on the authority of the right hon. Gentleman, but he must say that it did not appear to him to be consistent in the Members of the late Government to say that the Income-tax was only a tax for a period of war. The noble Lord, the Member for the city of London, and the noble Lord the Member for Tiverton (Viscount Palmerston) were parties to a resolution moved by Viscount Althorp as an amendment to a motion for the repeal of the house-tax, in which it was laid down that if that tax was repealed in time of peace, there was no objection in point of principle to an Income-tax, or a property-tax. It was impossible, at all events, for the noble Lord the Member for Tiverton, to say, that this was a war-tax only. He (Sir James Graham) remembered the active part which that noble Lord had taken in 1816, in endeavouring to maintain a property-tax at the end of the war—when the treaty of peace was signed—when the assertion was, that it was inconsistent with good faith that it should be any longer retained, and all those who objected to the Income-tax, on the ground that it was a tax applicable only to a time of war, he begged to refer to the triumphant arguments used by the noble Lord upon that occasion—arguments which he had enforced, not only by his speech alone, but by his vote—a course which he was sure the noble Lord would, on the present occasion, be prepared again to vindicate. There was also a marvellous difference of opinion on the benches opposite with regard to the timber duties. The two hon. Members for Coventry here differed materially. The one said, a more wise proposal than that of the Government could not have been made, while the other was of opinion that it could not but be considered as a bad measure. But it might be said, that the hon. Member for Coventry, who had spoken in favour of the Ministerial plan with regard to the timber duties, as being a concession to commercial men, and likely to be a great source of naval strength, might be uninformed on the latter point; but what said the hon. and gallant Member for Marylebone? Why, he had pronounced a glowing defence of the measure, on the ground of the effect it would have on our naval strength. But this measure, which some hon. Gentlemen opposite so much objected to, was the very same plan that was proposed by Lord Grey's Government, and yet one which, in the very plenitude of the power of that Administration, they had not even ventured to take the sense of Parliament upon. They voluntarily abandoned it. What were the arguments used at the time against the proposal? Why, it was said that you ought not to raise revenue by taxing a prime necessary, one which the humble fisherman required for his boat, and the peasant for his cottage, and that it was unjust and impolitic to raise unfairly the price of any article of that kind. Such were the arguments used then against the plan, and the Administration voluntarily abandoned it. Again, it had been proposed to substitute a legacy duty upon real property for the Income-tax, and the right hon. the Lord Mayor of Dublin had joined with the hon. Member for Ipswich in calling for that as a substitute. But that very proposal had been made, and had been resisted by the late Chancellor of the Exchequer, whom he now saw doing him the honour of taking notes, and who, he supposed, was about to answer him. He felt assured that the right hon. Gentleman would inform them that he was opposed to the principle of such a legacy duty—and opposed, too, for the excellent reasons which he himself assigned in 1840. Then corn, as a source of revenue, had been absolutely disclaimed by every hon. Member opposite, except the noble Lord the Member for Tiverton, and he had proposed a fixed duty as a source of revenue, and not of protection. Lord Melbourne, however, when questioned on the subject, said, that he disclaimed altogether the proposed fixed duty of 8*s.* as a fiscal impost, and positively alleged that it was intended for protection. After that, how could hon. Gentlemen talk of inconsistency on that (the Ministerial) side of the House? It was quite clear that hon. Gentlemen opposite were united only in the opposition to the proposals of her Majesty's Government, and that if they had to deal with the present deficiency in the revenue various would be the means which they would suggest for meeting it. The hon. Member for Guildford, in addressing the House last night, had dwelt on the flourishing state of the finances of India, and had rather tauntd his right hon. Friend with having exaggerated the difficulties of the Indian revenue, as one of the reasons which had naturally led her Majesty's Government to provide more ample resources to meet the deficiency of revenue generally. It was never asserted by his right hon. Friend that it was the duty of the British Parliament to supply the immediate means of making up the deficiency in the Indian revenue; but he did state the very important fact, that Lord Auckland at the commencement of his administration in India had in the Indian revenue a surplus of about 1,500,000*l.*; that year by year that surplus had not only been diminished, but that there had been, as in this country, a growing and progressive deficiency; that a debt had been incurred during the last four years of about 7,000,000*l.*; and that at the present moment the expenditure exceeded the income by a sum nearly similar to that with which they had to deal in this country, namely, 2,500,000*l.* His right hon. Friend did point out to the House that it might be necessary that the credit of Great Britain should be brought to the aid of the Indian deficiency; and he put it to the House whether, if the necessity should arise, it was not the duty of a provident Government to provide for an accumulating debt or engagements to meet that debt, and thereby sustain the credit, and, by sustaining the credit, support the strength of both countries. To that extent only had his right hon. Friend put the case of India, as it was his duty in stating the whole of the financial difficulties with which they had to contend. The hon. Member for Liskeard had thought fit to taunt him with the withdrawal of a notice which he gave in 1839 respecting the commencement of the war on the western frontier of India. Now, he had no difficulty whatever in stating to the House the reason which induced him to withdraw that notice. He certainly had felt, and nothing had occurred to shake his opinion, that the entire conception of that expedition was improvident; and although that opinion was sustained by the highest authority in this country—a remarkable coincidence of authority—yet when the information reached him, that this measure was contemplated, he had reason almost simultaneously to know that solemn engagements had been entered into by the executive Government with native princes, that the honour of the British nation was committed to their fulfilment, and that British arms were about to be used. He therefore felt, that as any motion on the subject supported in that House by a large party might have the effect of embarrassing the Indian Government in the execution of those engagements, it was not for the public good that he should press the motion of which he had given notice, and upon those grounds, and those alone, had he withdrawn it. The hon. Member for Liskeard charged the members of Lord Grey's Government with having consented to the remission of the House-tax. But at that time they had a large surplus revenue, and it remained for the successors of Lord Grey, with a deficiency of two or three years' standing, and an expenditure exceeding the income, not to tread in his footsteps, but to remit, under those circumstances, a productive impost of 1,500,000*l.* He should much prefer the accusation of inconsistency which had been directed against him to the charge of being guilty of what he must say was an act of the greatest imprudence, of sacrificing so productive a revenue as that to the popular clamour of the moment. The hon. Member for Liskeard, taking up the metaphor of the hon. Member for Nottinghamshire, talked of a will made by Lord Melbourne's Government in behalf of the country at large, to which the present Government, as executors, were bound to administer. Allow him first to observe, that in order to make an honest will you must dispose only of your own property—a fact not the less important in the present instance, considering that the death-bed scene of the testators was much prolonged, that their approaching dissolution was clearly foreseen, that their dying agonies were much protracted, and that a greater tenacity of life had never been exhibited after all strength and power of action had long departed. But now what were the *bona notabilia?* The hon. Member for Liskeard said "Catholic Emancipation and the repeal of the Test Acts." But were these the property of the testators? He thought they belonged to the Government of the Duke of Wellington and of his right hon. Friend. Was it really come to this—that in the absence of all property of your own you bequeath that of your neighbours? ["Oh!"] What! Catholic emancipation not the act of his right hon. Friend? Well, they claimed the Test Acts. But did Lord Melbourne's Government claim reform, the abolition of slavery, and municipal reform? These, he maintained, were the property of Lord Grey. He distinctly said so. But he would tell them what was entirely their own. There was the China war, which, as far as he could see, it would be exceedingly difficult to conduct with advantage or close with honour. Then there was the rupture in our alliance with France, which was the keystone of the foreign policy of Lord Grey's Government. There was also the smouldering embers of a Canadian rebellion, the unsettled state of the "Caroline," Mr. M'Leod's trial, the right of search, and the boundary question. These were the bequests which they had left to the present Government. This was a sketch of their policy abroad. What was it at home? A five years deficiency, a growing accumulating deficiency, with 1,500,000*l.* of productive revenue prodigally and imprudently sacrificed in one year, and then in a vain endeavour to bolster up this flagrant mistake, and hesitating to deal with property, they attempted to impose 5 per cent. additional on all customs and excise, thus increasing the price of all articles of consumption to the great body of the people, and 10 per cent. additional on assessed taxes. Their 5 per cents., so far from producing an increase, left the deficiency greater than it was before, and their 10 per cent. went a very slight way indeed to reduce it. At that late hour of the night he would not go into the questions of corn and sugar. They could not deny that the sense of the country had been taken upon the 8*s.* duty, that it had been condemned by two Parliaments, that it had been twice tried, and found wanting. The opinion of the country was therefore decidedly opposed to a fixed duty of 8*s.* upon corn. Then as regarded sugar, it had been proved to demonstration that under the measure of the late Government, without any reduction of the duty upon colonial sugar, and a reduction such as they proposed upon foreign sugar, the price to the consumer would not, as admitted by the noble Lord, have been reduced more than one halfpenny in the pound, while it would not have yielded more to the revenue than was obtained under the existing law. As a financial measure, therefore, the sugar bill of the late Government would have been a failure, while their corn bill had avowedly been brought forward, not for the purposes of revenue, but protection. He had already expressed his opinion upon the question of the timber duties. As stated by the hon. Member for Lambeth; the question at issue was thus brought to a very narrow point. It was, in the first place, admitted that the supplies in the time of peace must be raised within the year, and in the next, that the expenditure at present could not be reduced. He had heard no one contend that in the present state of affairs in China, in India, and in Europe, it would be prudent to reduce the estimates of the year—at least, the estimates for the army and navy had been voted without any attempt to reduce them. Well, the period had arrived by universal assent when loans could not be raised with safety in time of peace. Such was the doctrine of the right hon. Gentleman the Member for Portsmouth; and the noble Lord the Member for London, when there was only a deficiency of 1,000,000*l.*, said,—

> "That not to meet such a deficiency by a vigorous effort of taxation was inconsistent with the credit of the country, disgraceful in the eyes of Europe, and fatal to our position amongst the civilised nations of the world."

Another important admission made by those who advocated the budget of last year, and adverted to more than once by the right hon. Gentleman the Member for Taunton was, that even though a considerable increase of revenue should be obtained from their proposed alteration in the corn and timber duties, that still there would remain a deficiency, which it would be necessary to meet by direct taxation. By universal, or at least very nearly universal consent, then, they had arrived at a point when taxes must be imposed. The noble Lord the Member for London, and the Lord Mayor of Dublin, following the example, pointed distinctly to various sources from which a revenue might be derived; but then it was either to be done by the reimposition of taxes that had been remitted, or by having recourse to an additional per centage on the assessed taxes. Now, let them see what were the most productive of those taxes which had been remitted, and then he should like to ask the right hon. Gentleman who was about to address the House to specify which of those taxes on articles of consumption he would recommend to be reimposed—whether on beer, malt, leather, candles, soap, printed cottons, or coals carried coastwise? He should like to know whether it was to one of them, or to all of them, that the noble Lord in his resolution alluded. He trusted that the right hon. Gentleman would inform the House upon this point. Suppose, however, they proposed to take an additional per centage on the assessed taxes. Let him observe, that there are many objections to the imposition of such a tax. Could there be any security that they would fall equally on all, according to their respective incomes? On the contrary, the rich miser would escape, from the mode of life which he adopted, and the rich man who lived on luxuries would go abroad, where he could enjoy himself as readily as at home, and get altogether away from the operation of the tax. Others, also, who found it convenient to reside at home, would avoid the operation of the tax by reducing their establishments, and thus escaping from its burdens. He would not weary the House with going further into the consideration of those points which had already been so much discussed. The question then was, whether the deficiency was not so great in amount, and that it had been so permanent in its duration, as well as that the state of our affairs were not so urgent in various parts of the world, as to render it imperatively necessary to adopt the tax proposed by his right hon. Friend. This was the strict point for the consideration of the House, and every hon. Gentleman could easily record his opinion. Her Majesty's Government asked for the calm and deliberate opinion of the House on this subject. The conclusion which they had come to, after the most deliberate consideration, had been opposed by Gentlemen opposite. Her Majesty's Ministers had calmly and carefully passed in review the affairs of this great community, and after every consideration that they had been enabled to give to the matters before them, they stood there unanimous in opinion that the state of the nation required the adoption of the measures which they had proposed. The proposition which had now been submitted to them was founded on reasons perfectly satisfactory to her Majesty's Government. Whatever objections hon. Gentlemen opposite might raise to the proposition itself, or to the reasons which had been assigned for its adoption, he was satisfied that no charge could be raised against the motives which had actuated them in making it. Talk of the popularity of a Government proposing an Income-tax!—he had never heard of such a thing. The Government had had the courage to propose a tax which immediately touched the rich and the powerful; and which, sparing those of smaller fortune, touched those interests directly which had long been in possession of political power. They might have displeased, in the first instance, some of their supporters by this and other measures which they had brought forward, but he must say that they had received support from such a disinterested body of supporters, that they had met with no vehement opposition from those who did not exactly agree in their measures; and he felt assured that, on reflection on the state of the country, even those who did not warmly support them would not disapprove of the result at which the Government had arrived. They felt that they had a serious duty to discharge to the country. In the propositions which they had made to the House, they had endeavoured to relieve the distress which pressed very heavily on the industry of the country, and at the same time to relieve the finances of the country from the difficulties which surrounded them. The responsibility of adopting or rejecting these measures now rested with the Parliament and the country. Ministers were quite satisfied that the measures they proposed were prudent, they believed them to be indispensably necessary. They had not lightly proposed them; they would not timidly abandon them, and it only remained for the House to determine whether they should be adopted. The House might be assured Ministers would not shrink from their proposition as from an appropriation clause. There would be no Jamaica Bill resignation. That which they believed to be right they would manfully maintain, and they placed their reliance for support in our present financial measures on the wisdom of the Parliament, and on the patriotic spirit and virtue of the nation.

Mr. *F. T. Baring*, in rising to answer some of the observations which had fallen from the right hon. Member for Dorchester, could not help expressing his surprise, that the right hon. Gentleman, as a Minister of the Crown, should have been induced to describe the situation of the country in the manner in which he had. The right hon. Gentleman, in reference to the China war, had said, that it was—

> "One that we could not carry on with success, and that we could not retreat from with honour—that our Indian empire was staggering under the blow which it had received—that a revolt was smouldering in Canada."

And that the Government had all the difficulties of the American negotiation to deal with. Such was the description which the right hon. Baronet gave of the state of the country at the present time with the view of justifying the imposition of the Income-tax. In looking over the debates in that House, which took place when the Income-tax was first proposed, nothing could be more striking than the difference of the conduct and language of Mr. Pitt for that now employed. At that time, there was the mutiny at the Nore, almost a revolution in Ireland, and the country was engaged in one of the greatest wars that she had ever to contend with in Europe. When he heard the language from the right hon. Gentleman as to the state of the country almost make men sink within themselves, he could not help contrasting it with the different state of things which existed at the period he had just alluded to; that period of difficulty, when to use Mr. Pitt's staple words, the hearts of men sunk within them—the circumstances of the country were indeed different at the two periods—and in taking the present time, and contrasting it with the former, he missed all the great calamities under which Mr. Pitt spoke, and, above all, he missed that calm temper which actuated him, and the mighty spirit which he manifested to meet the difficulties he and the country had to contend with. When the present deplorable state of the empire was alluded to, he might remind the right hon. Baronet (Sir R. Peel), and perhaps the noble Lord, the Member for North Lancashire, who sat next to him, would do so also—of the state of the nation, when he abandoned the reins of office on a former occasion. He well recollected, how extremely eloquent the noble Lord once was in stating the difficulties of the country when Lord Grey assumed the post of First Minister of the Crown. Something the noble Lord then said about the burnings in the agricultural counties — something about the King's being unable to pass through the city unmolested—something about the difficulties which had been left to Lord Grey as a legacy by the former Government. But he was not anxious to refer back to such recollections. They had not been, however, uncalled for, The speech of the right hon. Baronet, the Home Secretary, rendered the contrast natural. And referring to that speech, he might allude to the tone of triumph with which the right hon. Gentleman had adverted to the course of the Opposition on those measures being developed, and to the lack of agitation on the subject among the people out of doors. There was one argument on this point used by the right hon. Baronet, which he did not think it right to pass over, as he considered it coming from a Minister as a most unfortunate appeal, couched in most unfortunate language. The right hon. Baronet had said, he should like to see meetings, at which parties having incomes under 150*l.* a year, would be brought to oppose a system of finance which, according to his view, did not at all tax the people, whilst it gave them the benefit of a reduction in the price of provisions. No one could be so blind as not to see from this remark that the observation of the hon. and learned Gentleman, the Member for Bath, had not been made without some cause. That hon. Member had told the House, that the right hon. Baronet had so sagaciously arranged his plan as to cut from under their feet all public expression of feeling on the part of the poorer classes of society. Now, he admitted that when an arrangement was held out which was said not to touch those parties, but, on the other hand, was described as giving them an essential benefit—he admitted, that in such a case, they were making an excellent bid for that which formerly had been styled the "physical force" of England. But how long the bargain might continue — how long they could keep to a union they were so anxious to seek—was a question liable to more doubt; and he was of opinion, that even if their present experiment in this respect did succeed, an agitation would spring up, which would result in their being obliged to modify their proposition, or else to give up their scheme of an Income-tax altogether. He knew perfectly well that that agitation would not be immediate, but it was, nevertheless, by no means difficult to foresee that the moment the scheme came into operation, the opposition to it on the part of the shopkeepers and the industrious classes would be so strong that they must either give up the tax altogether or else so modify its clauses as to exempt incomes, and lay the burden on property alone. In the course of his speech the right hon. Baronet opposite had also referred to the inconvenience attending delay in the settlement of this question. Now, he had no doubt that much inconvenience arose from the non-adjustment of the points in the tariff which the Government proposed to alter. But if any notion existed that these debates interfered with the settlement of that tariff, he would take leave to remind those who entertained such an idea, that the table of the new scale of duties in its amended and complete form had only been laid on the Table yesterday, and that there had not yet been time even to circulate the document through the country. He did not refer to this point with a view to attach any blame to the Government. He thought it was quite right to give ample time for the consideration of the new propositions, but he adverted to the matter with a view to answer those who attributed the delay to that side of the House, and affected to lay on the Opposition all the responsibility of the inconvenience which ensued. As he was referring to the tariff, he would take that opportunity of speaking on some of its particular points; and first of all, he must state, that he was not inclined to rate that measure at the high value set on it by some, but that he was disposed to set the most value on those alterations which appeared to be the least popular with hon. Members on the other side. In saying this, however, he must be understood as not under-rating the benefits which some of the alterations would confer; and although the right hon. Baronet at the head of the Government had certainly no right to look to him for support or assistance, yet he would find him as anxious as any Member on his side of the House to assist in carrying out the principle on which the alterations seemed to be based. Now, with regard to the timber-duties. The right hon. Gentleman, the Secretary for the Home Department, thought fit in the course of his observations to blame him for the measure which he had on a former occasion proposed with respect to these duties. He would by no means underrate the value of any reduction of duty proposed to be made upon this great article, but all questions of reduction of duty were matters of comparison. If he had to deal with the question, he would prefer reducing the duty on Baltic timber, so as to give a difference as proposed in the present tariff, at the same time leaving the duty on Canadian timber the same in amount as it was at present. By the proposed plan it was admitted that a loss of 600,000*l.* would result—a sum which he considered it would be much better to save for the purpose of appropriating it to the general interests of the country. As regards the present scheme, and the one proposed last year, let the House consider the difference between the two plans. By the course which he intended to pursue, he would gain 600,000*l.* to the country, whilst by the plan of the right hon. Baronet it would incur a loss to the same amount. The sum which he would thus secure would be raised without imposing any additional charge upon the consumer. Comparing the two propositions, it would be seen there was a difference of 1,200,000*l.*, a sum amounting to about one-third of what was proposed to be raised by the Income-tax. The right hon. Baronet the Secretary for the Home department had told them that his plan for the reduction of the duties on timber had been brought forward under the Administration of Lord Grey, which was abandoned as untenable, without a division. What Lord Althorp had stated on the occasion referred to by the right hon. Baronet as his reason for abandoning the proposition was, that in consequence of a great change, making a loss of revenue of the timber-duties, the alteration, with other measures, was proposed to meet the deficiency; but circumstances having subsequently occurred to induce the Government to abandon the change, the timber scale as then proposed, was abandoned. The measure, therefore, was not abandoned as being untenable, but because the money was no longer wanted. It was, not, however, on the scale subsequently proposed by him, that the Government of Lord Grey was defeated, but on the general question of the timber duties. Certainly the great zeal for the reduction of the timber duties was not then so strong among the Gentlemen opposite, as not to leave the Government of that day in a minority on the general question, which was thrown out by those who now supported the proposition of the right hon. Baronet. The Government of Lord Grey proposed an adjournment of the question, and upon that proposition they were beaten. They were not beaten on a proposition like his, but on the general question of the reduction of duties by those who now supported the reduction proposed by the present Government. The right hon. Baronet proposed, as compared with his plan, to relinquish 1,200,000*l.*; and stated, that he expected to be able to repeal the Income-tax for three, or even for five years. Was there not an inconsistency in this mode of proceeding? The right hon. Baronet, in his budget speech, had declared, that it was fallacious to suppose, that by reducing duties any additional revenue could be obtained, and had several examples to prove this opinion, yet he now proposed to take off 1,200,000*l.* from a productive tax; and, by some magic—by some calculation more sanguine than any that had ever entered into his mind, an increase of income was expected. The right hon. Gentleman proposed a reduction of duties amounting to 1,200,000*l.*, and he then told them that in three years this would increase the revenue by 3,600,000*l.*, or three times as much, and he calculated that in three or five years the Income-tax would be repealed. He was thought sanguine enough in calculating the amount of revenue which would accrue from the reduction of duties; but, the right hon. Baronet at the head of the Government went far beyond him. In the speech of the right hon. Baronet for the Home Department, it was to be observed, that the argument drawn from the financial state of India had been almost abandoned, and, indeed, after the statement made last night by the hon. Member for Guildford, it would not be an easy task to maintain the Ministerial proposition on that ground. It surely could not be urged that a deficiency of 2,500,000*l.* in the revenue of India could form any ground for resorting to such an emergency measure as an Income-tax, when it was shown by the hon. Member that in fifteen years there had occurred a deficiency of 18,000,000*l.* in the revenue of India; that in 1839 there was also a large deficiency of upwards of 13,000,000*l.*; but these deficiencies had never been thought a sufficient motive for England to interfere, or adduced as a reason why an Income-tax should be fixed upon the people of this country. He was not surprised, therefore, that the right hon. Baronet, the Secretary for the Home Department, had not dwelt with any emphasis upon that argument. He viewed this question merely on its financial bearings, but he hoped in stating these, that he should not be considered as either undervaluing, nor not feeling for the calamities which had occurred in India. He trusted, that hon. Gentlemen opposite would not on that ground deny him his share of the feelings of an Englishman. The right hon. Baronet had carefully avoided all reference to the statements of the hon. Member for Lambeth. He concurred with the views of his hon. Friend and did not think that there was any difficulty on that point, and it was with no little surprise that he heard the ironical cheer of the hon. Member for Lincolnshire when the statement was made. The hon. Member for Lincoln, not content with giving the country a Corn-bill, had accused the late Government with saddling the public with a debt of 41,000,000*l.* during its administration. He held in his hand a paper which contained an account of the state of the national debt from 1831 to 1841. He found, that the capital of the debt, without reference to annuities, had been increased in those ten years, including the West India loan, by the amount of 4,000,000*l.* only, instead of 41,000,000*l.* But that was not the fair way of calculating the true state of the debt. If you wished to arrive at the real state of the debt of the country, you were bound in justice to consider the value of the terminable annuities; unless you did this, you could not ascertain your true financial position. Taking in this element the real increase of the debt from 1835 to 1841, including the West India loan, was only 8,500,000*l.* The late Government had had to provide a sum of 20,000,000*l.*, as compensation to the proprietors of the slaves; and the right hon. Gentleman opposite must allow him to say, that if he would not give that Government the credit of emancipating the slaves, it was not fair to set against them the 20,000,000*l.* of debt which that measure had obliged them to incur. If the West India loan were left out of the calculation, so far from there having been an increase, there was a diminution of the national debt to the amount of 13,000,000*l.*, in the period which elapsed from 1835 to 1841, when the account was made up. That, he believed to be the real state of the debt. A sinking fund was now at work to the amount of 2,500,000*l.* a year, silently, it was true, but efficiently. It was evident, that if you changed a permanent annuity of 100*l.* a year into a terminable annuity of 150*l.* or 200*l.* a year, the 50*l.* or 100*l.* you paid for the purpose of making the annuity terminable, was in reality a sinking fund—every man of common sense must see that. The sum which we were now paying on account of terminable annuities to extinguish part, of the debt ultimately, was 2,500,000*l.* per annum. That was not to be lost sight of in forming an estimate of those financial difficulties which were said to be the real ground for imposing an Income-tax. So far from thinking that his noble Friend had shrunk from the question, as hon. Gentlemen opposite imputed to him, he thought his noble Friend had taken that fair and manly course which he called on the right hon. Gentleman opposite to pursue on a former occasion. He told the right hon. Gentleman at that time, when bringing forward his financial plan last year as a Member of the late Government, that he did not ask for the particular taxes which they would propose, but for an explanation of the financial policy which they intended to pursue. What answer did he then obtain from the right hon. Baronet the Member for Dorchester? The right hon. Baronet said, "He wants to peep into our cards, and see our hands;" yet the right hon. Baronet now asked him to state on what articles of consumption he would consent that a tax should be imposed. After the answer which he had got from the right hon. Baronet on the occasion to which he referred, he must say, that to put such a question required considerable powers of forgetfulness. With respect to the proposal of a legacy duty on real property the right hon. Baronet opposite and other Gentlemen had appealed to his opinion, as expressed in 1840. Now, he would say at once, that if he had changed his opinion, especially on a financial question, he would be perfectly ready to own it fairly and candidly. The fairest of all changes of opinion was a change on a question of taxation, for that which was perfectly right one day might be perfectly wrong another. He was represented to have said, that the principle of such a tax was wrong. Now, he could not find that any principle was contained in the arguments made in his speech in 1840. He had never entertained an objection to this tax on principle. The objection he had made was to the details; he thought, that such a tax would be unequal in its operation. If he had used the word "principle," it was with reference to the objections which were urged at the time when the proposition was submitted to the House. Perhaps he might be permitted shortly to state the objections he had then brought against the tax. He had said, that the deficiency then existing arose mainly from the reduction of the Post-office duties, and that he did not think it fair by levying a legacy duty on landed property, to lay the whole burden of making up the deficiency on the agricultural interest, which derived comparatively much less benefit from lowering the rates of postage. He had also stated in 1840, in answer to his hon. Friend, Mr. Hume, that it was a mistake to suppose, that the present legacy-duty did not touch landed property in any degree, and that his hon. Friend was not aware of the sources from which the duty was derived. He distinctly stated at that time, that the great landed properties were to a certain extent subjected to taxation in consequence of the legacy duty. He held these opinions still; and he would maintain that a certain amount of the duty now levied fell on the agricultural interest. He did not consider the tax to be so unjust as hon. Gentlemen on his side contended, nor had he ever held, that when it was absolutely necessary to raise a great amount of revenue, a Chancellor of the Exchequer might not fairly and legitimately resort to a legacy duty, combined with other taxes. The right hon. Gentleman opposite had remarked, that objections might be made to any tax, because all taxes had their inconveniences. He perfectly agreed in that opinion; any one who had been connected with the Treasury must know that all taxes were open to great objections. But he called on the House not to be led away by this argument, but to form their judgments from experience. They had made trial of the various taxes, and the means of comparing one with another in their operation. Let them see which tax was preferable, with reference to the manner in which it affected the people as well as to its productiveness. Compare the effects of the property-tax with those of the assessed taxes, and those of taxes on consumption. He asked the House to observe what was the result of the proposal to continue the Income-tax in 1816, and of what tax the people of England first called for the reduction? That was the best criterion for determining the question. It was not matter of argument, but of experience, and that was the best ground to which they could appeal. In 1816, the agricultural, commercial, and manufacturing classes exclaimed unanimously against it, and demanded that, before all the rest, it should be repealed. When, therefore, reference was made to the results of the tax, he would point to history and experience, and cite the statements and opinions of individuals respecting the tax made at that time. Let the House look to the great petition presented in that Session against the tax from the city of London. This was an event of no inconsiderable importance in the history of the tax. Never had such a meeting ssembled in the city of London as that at which this petition was agreed to. On a former occasion he had taken the liberty of reading it to the House, as containing in itself all the arguments which could be used against an Income-tax. His hon. and learned Friend, the Member for Liskeard, had been ridiculed for expressing an opinion, that one of the results of imposing a tax of this nature might be seriously to affect the security of the public funds. He must say he participated in that apprehension; and this was no new opinion of his—he had always entertained it. He believed, with respect to the funds in this country, there was a general well-founded sense of security and good faith. Indeed, he felt they were as secure as anything in the nature of human affairs could well be, and if this tax were repealed after a certain time, he believed there would be exhibited in all quarters, and among every class of the community, an anxious desire to replace our finances on the most sound and wholesome basis. It was undoubtedly with great delight and satisfaction, that he heard nowhere a single word of a breach of national faith, but rather a determination expressed upon all sides, whatever their general opinions might be, to maintain the credit and uphold the character of the country. At the same time he did not exaggerate the evil that he foresaw might arise when he said there might be times of distraction or temporary delusion, when the House might be run in upon with reference to this tax; and he did not think it wise, he did not think it secure, he did not think it the part of a great statesman, to make so large a portion of the fund necessary for the security of the empire and good faith of the country to depend upon that tax which experience had shown was the least secure and most unpopular ever imposed in this country.

Mr. *Ferrand* assured hon. Gentlemen opposite he was perfectly prepared to divide, and he would not long detain the House—indeed he would not have obtruded himself upon their attention at all, but he had a message to deliver to the right hon. Baronet in their presence. He was glad that hon. Gentlemen opposite were at last beginning to throw off that cloak in which they had lately enveloped themselves. It was certainly somewhat remarkable that the working classes were now never once mentioned on the other side. When Parliament had just assembled they heard, night after night, hon. Members opposite declare their readiness to bear any burdens that might be placed on their own shoulders, provided only that the working classes were relieved. Night after night, they stood up and called upon the right hon. Baronet to bring forward measures calculated to benefit the poor industrious labouring classes, assuring him, in that case, of their cordial assistance and support. Did not the hon. Member for Manchester assert, that 100 families in that town were dying for want of food? Did not the hon. Member for Bolton assert, that men were living there on food picked from the dunghill? Yes, they demanded of the right hon. Baronet food for the people. He said, he would give them food; but he should have time to prepare his measures; and until he could bring them fairly before the House of Commons, he told them as Englishmen and Christians, to go into the country and raise subscriptions for the relief of the poor. The right hon. Baronet returned to that House and proposed measures so great and so extensive, that they were staggered when they heard them announced. When they were propounded Gentlemen opposite saw their game was up, for, as the right hon. Gentleman who had just addressed the House said, "the middling and industrious classes had united in support of the right hon. Baronet's scheme." Hon. Gentlemen last Session demanded free-trade from the right hon. Baronet, and declared that no trading interest in the country wished for any protection. Had he not then fairly met their demands? Had he not brought forward the tariff? Yes, he had given food to the poor, if they would only let him hand it out to them. He had given a sop to stay their howlings for free-trade. But those who before were so loud and so bold in presenting petitions in their demands for free-trade, might now be seen night after night silently approaching the Table of that House with their appeals from shoemakers, straw-plat manufacturers, and other interests, imploring that protection which they formerly scouted. What more could the right hon. Baronet do than he had done? Never a statesman stood forward in so noble and manly a way under such circumstances. He had reduced the price of oatmeal in the north 10*s*. a load, and butchers' meat 2*d*. per pound. Would not that give relief to the poor? Why, there was one universal shout amongst working classes in Yorkshire and Lancashire of "God bless Sir Robert Peel." By their factious opposition in that House, hon. Gentlemen hoped to gain time in order that during the Easter holidays they might have the opportunity of appealing to the working classes against the right hon. Baronet's propositions. They did go down, but they did not dare to call together the working classes—hon. Gentlemen opposite went to their own constituents—those whom they had represented as advocates of free-trade; but they came back with petitions for protecting duties. He had heard a great deal said about the landed proprietors not paying their just share of public burdens; he maintained, on the contrary, that the landed interest would be taxed by the measures at the rate of from 15 to 20 per cent. Were not the landed proprietors of England coming forward in the most noble manner to support the right hon. Gentleman, and assist him in his measures for the relief of the poor? But when hon. Gentlemen opposite were called upon to pay their share they protested against it. Where was the opposition to the Income-tax? It was concentrated on the benches opposite. Had the noble Lord (Lord J. Russell) ventured to go into the City of London and call a meeting on this subject—had he, once the idol of the people, having twice in ten years been carried into power upon their shoulders, dared to appeal to a public meeting of the merchants and tradespeople who were his constituents, he would, with their sanction, have stood in a very different position from that which he now occupied, backed as he was in his present course only by the opinion of a hole and corner meeting of the Reform Club. Gentlemen opposite asked what the right hon. Baronet had done for the working classes; the country knew what he proposed; but what had they themselves done? What had the manufacturers, the free-trade Anti-Corn-law League gentlemen done? Had they fulfilled their engagement to assist the Government in carrying those measures, that might be brought forward calculated to relieve the labouring poor? No; but, on the contrary, as the measures of the right hon. Baronet reduced in price the prime necessaries of life, the manufacturers in the North have reduced the wages of the operatives. He asserted this as a positive fact; the wages of the working classes in the manufacturing districts had been reduced by the Anti-Corn-law League manufacturers 15 and 20 per cent. —nay, these parties openly declared on 'Change, and in the market-place, that to whatever extent Sir R. Peel's bill should relieve the necessities of the working classes they would reduce their wages. Would it be denied in that House? The leading metropolitan organ of the Conservatives had been referred to in the course of the evening; what said the leading organ of hon. Gentlemen opposite upon this subject? What but this—if an Income-tax were laid on the manufacturers, it should be taken from the wages of the working classes? Not only had their organ asserted this, but the manufacturers themselves had begun to carry it out. The hon. Member concluded by saying, "My chief motive in addressing the House was, that I might deliver a message to the right hon. Baronet at the head of the Government from the working classes from those men who carried you to power, but now they have got the right hon. Baronet at the head of affairs; and, in spite of all your machinations, they will keep him there."

Lord *Worsley* said, that he did not consider the right hon. Baronet was justified in throwing away 600,000*l.* of revenue, and then proposing an Income-tax. With respect to the resolution of his noble Friend, the Member for London, as it appeared to involve the principle of a fixed duty on corn, he could not vote for it; but, at the same time, he could not give his support to the right hon. Baronet on this proposition.

Colonel *Sibthorp* said, if he mistook not, the noble Lord who had just spoken, intended to divide against his right hon. Friend at the head of the Government. Now, he could only say, that he had that evening met the noble Lord in a room up stairs, and had read him a private, and he hoped, a kind lecture on the course he should pursue, but he was sorry to find it had had so little effect.

The House divided on the question, that the words proposed to be left out stand part of the question;—Ayes 308; Noes 202;—Majority 106.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Ackers, J.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, M.
Arkwright, G.
Ashley, Lord
Astell, W.
Attwood, J.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Baillie, H. J.
Baird, W.
Baldwin, B.
Balfour, J. M.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, Sir R.
Beckett, W.
Bell, M.
Beresford, Capt.
Beresford, Major
Bernard, Visct.
Blackburne, J. I.
Blackstone, W. S.
Blake, M. J.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Brownrigg, J. S.
Bruce, Lord E.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, Sir H.
Campbell, A.
Carnegie, hon. Capt.
Chapman, A.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christmas, W.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Codrington, C. W.
Collett, W. R.
Colvile, C. R.
Compton, H. C.
Conolly, Col.
Coote, Sir C. H.
Corry, rt. hon. H.
Courtenay, Visct.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. A.
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Feilden, W.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, Capt.
Fitzroy, hon. H.
Fleming, J. W.
Follet, Sir W. W.
Forbes, W.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Godson, R.
Gordon, hn. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.

Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt.hn.Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir E.
Heathcoate, Sir W.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Houldsworth, T.
Holmes, hon. W. A'C.
Hope, hon. C.
Hope, A.
Hornby, J.
Ingestre, Visct.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, J. D.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, Sir J.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knight, F. W.
Knightley, Sir C.
Law, hon. C. E.
Lawson, A.
Legh, G. C.
Leicester, Earl of
Lennox Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mc Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martyn, C. C.
Marton, G.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Neeld, J.
Neeld, J.
Neville, R.
Newry, Visct.
Nicholl, rt. hn. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
O'Brien, W. S.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord W.
Pakington, J. S.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Pemberton, T.
Pigot, Sir R.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R
Rolleston, Col.
Rose rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.
Seymour, Sir H. B.
Sheppard, T.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smythe, hon. G.
Smollett, A.
Somerset, Lord G.
Somerton, Visct.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, J. A.
Tennent, J. E.
Thesiger, F.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Vivian, J. E.
Vyvyian, Sir R. R.
Waddington, H. S.
Walsh, Sir J. B.
Welby, G. E.
Whitmore, T. C.
Wilbraham, hn. R. B.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Worsley, Lord
Wortley, hn. J. S.
Wyndham, Col.
Wynn, Sir W. W.
Yorke, hn. E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Aldam, W
Archbold, R.
Bannerman, A.
Barclay, D.
Baring, rt. hon. F. T.
Bell, J.
Berkeley, hon. Capt.
Berkeley, hn. H. F.
Bernal, Capt.
Blewitt, R. J.
Bodkin, J. J.
Bowring, Dr.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Bryan, G.
Bulkeley, Sir R. B. W.
Buller, C.
Buller, E.
Busfeild, W.
Byng, G.
Carew, hon. R. S.
Cave, hon. R. O.
Cavendish, hn. C. C.
Cavendish, hn. G. H.
Chapman, B.
Childers, J. W.
Clay, Sir W.
Clements, Visct.
Clive, E. B.
Cobden, R.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hn. W. F.
Craig, W. G.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
Dashwood, G. H.
Denison, J. E.
Dennistoun, J.
Divett, E.
Duff, J.
Duke, Sir G.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, Admiral
Dundas, F.
Dundas, D.
Dundas, hn. J. C.
Easthope, Sir J.
Ebrington, Visct.
Ellice, E.
Ellis, W.
Elphinstone, H.
Evans, W.
Ewart, W.
Ferguson, Col.
Fielden, J.
Fitzroy, Lord C.
Forster, M.
Fox, C. R.
Gill, T.
Gordon, Lord F.
Gore, hon. R.
Granger, T. C.
Grattan, H.
Grey, rt. hn. Sir G.
Guest, Sir J.
Hall, Sir B.
Harris, J. Q.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.

Hayter, W. G.
Heathcoat, J.
Heneage, E.
Hobhouse, rt. hn. Sir J.
Holdsworth, J.
Howard, hn. C. W. G.
Howard, hn. J. K.
Howard, Lord
Howard, hn. E. G. G.
Howard, P. H.
Howard, hn. H.
Howick, Visct.
Humphery, Mr. Ald.
Hutt, W.
James, W.
Johnston, A.
Labouchere, rt. hn. H.
Langston, J. H.
Langton, W. G.
Leader, J. T.
Lemon, Sir C.
Listowel, Earl of
Loch, J.
Macaulay, rt. hn. T. B.
McTaggart, Sir J.
Maher, V.
Mangles, R. D.
Majoribanks, S.
Marshall, W.
Marsland, H.
Martin, J.
Maule, rt. hn. F.
Mitcalfe, H.
Morris, D.
Morrison, General
Morrison, J.
Mostyn, hn. E. M. L.
Murphy, F. S.
Murray, A.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, J.
O'Connell, D.
O'Connell, M. J.
O'Connell, J.
Ogle, S. C. H.
Ord, W.
Oswald, J.
Paget, Col.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Pendarves, E. W. W.
Philips, G. R.
Philipps, Sir R. B. P.
Philips, M.
Phillpotts, J.
Pinney, W.
Plumridge, Capt.
Ponsonby, hn C. F. A. C.
Ponsonby, hn. J. G.
Powell, C.
Power, J.
Protheroe, E.
Pulsford, R.
Ramsbottom, J.
Rawdon, Col.
Redington, T. N.
Rice, E. R.
Roche, Sir D.
Roche, E. B.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord E.
Rutherfurd, A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Smith, B.
Smith, J. A.
Somers, J. P.
Somerville, Sir W. M.
Standish, C.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stewart, P. M.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Traill, G.
Troubridge, Sir E. T.
Tuite, H. M.
Turner, E.
Villiers, hon. C.
Villiers, F.
Vivian, hon. Major
Vivian, J. H.
Vivian, hon. Capt.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Ward, H. G.
Wason, R.
Wawn, J. T.
White, S.
Wilde, Sir T.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Wood, B.
Wood, C.
Wood, G. W.
Wrightson, W. B.

TELLERS.
Tufnell, H.
Hill, Lord M.

Non Official.

Paired off.

AYES.	NOES.
Alexander, N.	O'Ferrall, R. M.
Ashley, hn. H.	Dawson, hon. T. V.
Bentinck, Lord G.	Etwall, R.
Bruen, Col.	French, F.
Burdett, Sir F.	Butler, Col.
Cardwell, E.	Watson, W. H.
Cartwright, W. N.	Smith, V.
Castlereagh, Lord	Fleetwood, Sir H.
Cole, hon. A.	Howard, Sir R.
Copeland, W. T.	Christie, W. D.
D'Israeli, B.	Browne, D.
Duncombe, hon. O.	Hindley, C.
Eastnor, Lord	Hollond, R.
Ffolliot, J.	Greenaway, C.
Forman, T. S.	Colborne, hn. W.N.R.
Granby, Marquess	Bernal, R.
Grant, Sir A. C.	Heron, Sir R.
Gregory, W. H.	Fitzwilliam, hn. G. W.
Hughes, B.	Pigot, rt. hn. D. R.
Kelburne, Lord	Berkeley, C.
Kerrison, Sir E.	Layard, Capt.
Litton, E.	Drax, J. S. W. S. C.
Murray, G. S.	Browne, R. D.
Palmer, G.	Barnard, E. G.
Peel, Col.	Byng, rt. hn. G. S.
Pennant, hon. D.	Leveson, Lord
Powell, Col.	White, L.
Rous, hon. Capt.	Anson, Col.
Scott, hon. F.	Jardine, W
Shaw, F.	White, H.
Shirley, E. J.	Surrey, Lord
Smyth, Sir G. H.	Acheson, Lord
Stanley, E.	Horsman, E.
Tollemache, hon. F.	Brodie, W. B.
Tomline, G.	Sombre, D.
Vesey, hon. T.	Shelburne, Lord
Williams, T. P.	Gibson, T. M.
Wynne, C. W.	Wood, Sir M.

Absent.

AYES.

Bagge, W.
Bankes, G.
Barneby, J.
Benett, J.
Bruce, C.
Clements, Col.
Cresswell, B.
Dick, Q.
Hamilton, J. H.
Henniker, Lord
Hotham, Lord
Jones, J.
Kerr, D.
Kirk, P.
Martin, C. W.
Morgan, C. R.
Rae, Sir W.
Ramsay, W. R.
Taylor, Capt. T. E.
Wilmot, Sir E.
Wyndham, W.

NOES.

Armstrong, Sir A.
Bellew, R. M.
Berkeley, hn. G.
Blake, M.
Blake, Sir V.
Bowes, J.
Callaghan, D.
Cayley, E. S.
Crawford, W. S.
Currie, R.
Denison, W. J.
D'Eyncourt, rt. hn. C. T
Ellice, rt. hon. E.
Esmonde, Sir T.
Ferguson, Sir R. A.
Grovesnor, Lord R.
Heathcote, G. J.
Hoskins, K.

Jervis. J.
Johnson, General
Lambton, H.
Larpent, Sir G.
M'Namara, Major
Martin, T. B.
Muntz, G. F.
O'Connell, M.
O'Conor Don
Rennie, G.
Ricardo, L.
Roebuck, J. A.
Scott, R.
Seymour, Lord
Stock, Dr.
Talbot, C. R.
Vane, Lord H.
Wemyss, Capt.
Westenra, hon. J.
Westenra, hon. H.
Wigney, J. N.
York, R.

Analysis of the Division.

Voted, Tellers included.—Ayes		310
ditto.	Noes	204
Paired		76
Absent	Ayes	21
Ditto	Noes	40
Speaker		1
Vacant seats, &c—Meath, Cardigan, Thetford, Southampton, Montrose, Shropshire (Lord Newport not taken his seat)		6
Total		658

Ayes.

ENGLAND.		
Counties	108	
Boroughs	134	
Universities	4—	246
WALES.		
Counties	9	
Boroughs	4—	13
SCOTLAND.		
Counties	13	
Boroughs	4—	17
IRELAND.		
Counties	17	
Boroughs	13—	30
Total		306

Noes.

ENGLAND.		
Counties	8	
Boroughs	125—	133
WALES.		
County	1	
Boroughs	7—	8
SCOTLAND.		
Counties	6	
Boroughs	23—	29
IRELAND.		
Counties	19	
Boroughs	13—	32
Total against the motion		202
Majority for the motion		106

RECAPITULATION.

	For the Motion.	Against the Motion.	Majority For	Majority Against.
ENGLAND—				
Counties	108	8	100	—
Boroughs	134	125	9	—
Universities	4	—	—	—
WALES—				
Counties	9	1	8	—
Boroughs	4	3	—	7
SCOTLAND—				
Counties	13	6	7	—
Boroughs	4	23	—	19
IRELAND—				
Counties	17	19	—	2
Boroughs	13	13	—	—
	306	202		

Report brought up—on the question that it be read,

Mr. *W. Williams* moved, that the resolution be re-committed, with a view to submit the following amendment:—

"That it is the opinion of this committee, that towards raising the supply granted to her Majesty, and for the reducing as much as may be practicable, the duty now payable on malt, sugar, and tea, there shall be charged annually the several rates and duties following, that is to say, for, and in respect of every annuity, pension, stipend, dividend, or salary, payable out of the public revenue of the United Kingdom of the annual amount of 150*l.* to 300*l.*, for every 20*s.*, 6*d.*; of 300*l.* to 500*l.* for every 20*s.*, 1*s.*; of 500*l.* to 750*l.*, for every 20*s.*, 1*s.* 6*d.*; of 750*l.* to 1,000, for every 20*s.*, 2*s.*; of 1,000*l.*, to 1,500*l.*, for every 20*s.*, 3*s.*; of 1,500*l.* and upwards, for every 20*s.*, 4*s.* on the value thereof for and in respect of all land, tenements, hereditaments, and real property of every description, there shall be charged to every person on coming into possession thereof by inheritance or bequest, a duty equal in amount to the probate and legacy duty now payable on personal property."

Amendment negatived.

Dr. *Elphinstone* said, that he also had an amendment to submit to the House, and he hoped that hon. Members would do him the justice to believe, that he did not then address them from any factious motive. He wished to move an adjournment, for at that late hour he was unwilling to detain them by bringing on a debate.

Lord *R. Grosvenor* wished to know If the report were once received, whether it would be in the power of any hon. Member of that House to propose an increase of the tax in certain cases.

Sir *R. Peel* said, he wished to bring in the bill as speedily as possible. To-morrow he should have no right of precedence. His noble Friend, the Member for South Lancashire had a resolution to propose respecting the presentation of petitions, to which the House would naturally desire to give some attention. On Friday the army estimates and the mutiny bill would come before the House. The hon. Gentleman, the Member for Lewes, might bring forward his proposition as an abstract resolution. It might be necessary, perhaps, that it should be brought forward in a committee of Ways and Means, and to that there would probably be no objection. He had no wish to produce any delay; with respect to such a resolution delay would be no matter of convenience to him; but the point on which he did feel anxious was, that the preliminary proceeding regarding the Income-tax should be brought to a close, for this amongst other reasons, that the public were very desirous of learning what was to be the machinery of the bill, and until the bill was introduced he could not gratify that just and natural curiosity.

Lord *J. Russell* said, he would add his wish to that of the right hon. Baronet, that the hon. Member for Lewes would give way, so as to enable the right hon. Baronet to carry his bill through its preliminary stage. The request of the right hon. Baronet was founded in fairness to the House and justice to the public; and for the same reasons that he wished the hon. Member to refrain from pressing his motion, he should himself not think it necessary to take the sense of the House upon the question, that the resolution be agreed to; because there would be sufficient opportunity hereafter, on the first reading of the bill, to effect that object. A great deal of discussion must necessarily follow the introduction of the bill, and the hon. Member would not be deprived of a fair chance of bringing his motion respecting a duty on legacies and succession to real estates before the House.

Dr. *Elphinstone* would postpone his motion.

Motion postponed.

On the question being again put,

Lord *R. Grosvenor* said: Sir, I stated upon a former evening that I thought income preferable to expenditure, as a basis of taxation, and therefore, now, although I agreed in the former part of my noble Friend's resolution, I abstained from voting, because I could not concur in the latter part without affirming that this country ought never to have recourse to an income-tax, except under circumstances similar to those in which this country was placed in 1798 and 1806. I dissent from the measure proposed by her Majesty's Government, because it makes no distinction either as to the source from whence income is derived, or its amount, but subjects income of every description, high, low, casual and permanent, to the same fixed impost. Although I am perfectly aware of the difficulties which accompany any attempt to modify the inequality of this measure, I do not consider them insuperable. I do not see why a graduated scale should not be as well applied to the tax upon income, as to the ten millions and a half of direct taxes already imposed; I allude to the stamps, probate-duty, window-duty, and assessed-taxes. I therefore suggest the adoption of the following scale:—

	per cent.		
Incomes above 2,000*l.* derived from all sources	£4	0	0
Incomes above 1,000*l.* and les than 2,000*l.*	3	0	0
Incomes above 500*l.* and less than 1,000*l.* derived from property	2	10	0
Incomes above 500*l.* and less than 1,000*l.* derived from casual sources	2	0	0
Incomes above 150*l.* and less than 500*l.* derived from property	2	0	0
Incomes above 150*l.* and less than 500*l.* derived from casual sources	1	10	0

If her Majesty's Government will not admit of any modification of the avowed inequality of the tax, I fear I shall be compelled to vote against it.

Sir *R. Peel* thanked the hon. Members for not at this moment pressing the motions of which they had given notice on the attention of the House. He had no doubt but that a public advantage would result from the adoption of that course. With reference to the propositions of the noble Lord (Lord R. Grosvenor) he would observe, that he objected to the principle of a graduated Income-tax.

Lord *J. Russell* wished to say one word. He thought that if the principle of a graduated Income-tax were acted upon, the just regulation of property would be interfered with. It was in conformity with the principles of English law that there should be an uniformity in taxation; that all should be taxed alike. This was in direct opposition to the principle laid down by the noble Lord in his motion.

Lord *R. Grosvenor:* In order to vindicate myself from the charge of having proposed a dangerous precedent, I may be allowed to read a passage from Dr. Tomline, Bishop of Lincoln, the biographer of Mr. Pitt, who will scarcely be accused of holding extreme opinions. When commenting on the Income-tax, as proposed by Mr. Pitt, he makes the following remarks:—

"It might reasonably be objected to the plan that it made its maximum of contribution begin at too low a rate of income, and that, on that account, it lost much of its character of equality. For instance, to take the maximum duty from a man of 200*l.* a-year would deprive him, not of luxuries, for such he could hardly be said to have the means of enjoying, but of many of the comforts, if not the necessaries of life, whereas the deduction from an income of 20,000*l.* would produce no such alteration, it would only reduce some few articles of luxury, or curtail the means of accumulation. It is probable, however, that Mr. Pitt was aware that such a proposal would prove destructive of his whole plan, by the opposition it would excite, and he was too good a politician to sacrifice a great public advantage, by a doubtful attempt to obtain one still greater. I beg also to add, that in Mr. Pitt's own bill there was a graduated scale of taxation for all incomes between 60*l.* and 200*l.*"

Mr. *Wakley* wished to ask the right hon. Baronet whether there would be any opportunity during the progress of the bill for any hon. Gentleman to propose the substitution of a graduated tax—that was, up to the proposed amount of sevenpence in the pound?

Sir *R. Peel* apprehended that it would be perfectly competent for any hon Gentleman to propose such an amendment; in fact, he intended to do so himself in the case of the Scotch tenant, assimilating his case to that of the English tenant.

Lord *J. Russell* wished to know when the right hon. Baronet proposed to take the first reading of his bill.

Sir *R. Peel*: The first thing on Monday.

Lord *J. Russell* intimated that the most convenient time to proceed with the tariff, would be after the second reading of the Income-tax Bill.

Sir *R. Peel* said, that as soon as he found the House disposed to carry the Income-tax, he would proceed with the tariff. It would be impossible for him to venture on the tariff till he had an assurance that the Income-tax would pass. Of this, however, from the evident feeling of the House, he entertained no doubt. He would proceed with the tariff after the second reading of the Income-tax, or, at all events, after the bill had been committed. He did not anticipate any vexatious opposition.

Mr. *Labouchere* had listened to the avowal of the right hon. Baronet with sincere regret. He was sorry to find the right hon. Baronet determined on allowing the all-important question of the tariff to be postponed, in order to discuss the less urgent question of the Income-tax He hoped that the House and the country would now understand that the delay was not attributable to those on his side of the House. He thought the right hon. Baronet might, without any difficulty, have postponed further discussion on the Income-tax, and have proceeded with the tariff—in the progress of which he thought, considering the state of the country, not a single week—not a day's delay ought to be suffered to interpose. He was confident that the commercial part of the community would think that he was but doing his duty in endeavouring to prevent all unnecessary delay on the present occasion.

Sir *R. Peel* was sure that hon. Gentlemen could not entertain any apprehensions respecting the fate of the tariff. He felt certain that the right hon. Gentleman would not suspect him of an intention of passing the Income-tax and then delaying the tariff. So great an interest did he feel in the main principles of that measure, that he should feel just as much bound in honour to relinquish office in consequence of a defeat on the tariff, as on the Income-tax. He must say, he looked upon it as a matter of the highest importance to proceed with the discussion without interruption. It was not as though the tariff could be carried or rejected by one discussion. It must necessarily be for some time under discussion, and he entertained a strong confidence, that when he came to his statement of the tariff, he should be able to remove many of those objections entertained both by agriculturists and manufacturers. He did not pretend to say, that no reductions were to be made; but he thought he should be able to show, that the result of the whole would be a great advantage to the community in general. He did, however, protest against any alteration by which the Income-tax would be under discussion one day, and the tariff the next. He thought such a course calculated to lead to nothing but inconvenience and confusion. He had only two days in the week at his disposal, and he, therefore, proposed to take Monday for the first reading, and, if possible, Friday for the second. He was aware, that the noble Lord would persist in taking the sense of the House on these occasions, but still he thought the debates had been prolonged to such an extent, that the House must feel, that the subject was exhausted. He thought the fever of excitement was not quite so high as some hon. Gentlemen imagined. He would proceed as speedily as possible with the Income tax, and then, without saying that he required that act should previously pass, but as soon as he had sufficiently ascertained the sense of the House on the subject, he would proceed at once with the tariff. He would say, that he would not allow any other business to interfere with the progress of the tariff. He hoped he would be then able to relieve the apprehensions which were now entertained against many parts of it. With respect to manufacturers, although he reduced the duty upon many articles of foreign manufacture, he hoped to show, that no great injury could accrue to any party interested in the matter.

Mr. *Labouchere* said, that nothing was further from his intention than to express anything but his entire sincerity in the right hon. Baronet's determination to stand to each and all of the propositions which he had brought forward. He could not avoid repeating the expression of his regret, that the tariff was not to be brought forward as soon as he, as well as the country, had expected. He thought that the delay of the Income-tax was nothing in importance to the delay of the tariff.

Mr. *Wason* trusted, that the right hon. Baronet would keep the Income-tax in this House until the tariff was passed.

Resolutions read and agreed to, as follows; and two bills were ordered to be brought in, to carry them into effect.

"1. Resolved, That it is the opinion of this Committee, that, towards raising the Supply granted to her Majesty, there be charged annually during a term to be limited, the several Rates and Duties following, that is to say:—

"For and in respect of the Property in any Lands, Tenements, or Hereditaments, and for and in respect of every Annuity, Pension, or Stipend, payable by her Majesty, or out of the Public Revenue of the United Kingdom; and for and in respect of all Interest of Money, Annuities, Dividends, and Shares of Annuities payable to any person or persons, bodies politic or corporate, companies or societies, whether corporate or not corporate; and for and in respect of the annual profits or gains arising or accruing to any person or persons whatever, resident in Great Britain, from any kind of Property whatever, whether situate in Great Britain or elsewhere, or from any Annuities, Allowances, or Stipends, or from any Profession, Trade, or Vocation, whether the same shall be respectively exercised in Great Britain or elsewhere; and for and in respect of the annual profits or gains arising and accruing to any person or persons not resident within Great Britain, from any Property whatever in Great Britain, or from any Trade, Profession, or Vocation, exercised in Great Britain; for every twenty shillings of the annual value or amount thereof . seven pence

"For and in respect of the Occupation of any Lands, Tenements, or Hereditaments (other than a dwelling-house occupied by a tenant distinct from a farm of lands), for every twenty shillings of the annual value thereof . . three pence halfpenny

"2. Resolved, That, towards raising the Supply granted to her Majesty, in lieu of the several Stamp Duties now payable in Ireland, there shall be charged, levied, collected, or paid, in Ireland, upon and in respect of every deed, writing, or other written or printed instrument, or in respect of any legacy, or succession to personal estate upon intestacy, or in respect to any other matter or thing, the like amount or rate of Stamp Duty as is now payable in Great Britain."

House adjourned.

HOUSE OF LORDS,

Thursday, April 14, 1842.

MINUTES.] BILLS. *Public.*—2$^{a.}$ Law of Merchants Act Amendment.

Reported.—Forged Exchequer Bills; Spirit Duties (Ireland).

Private.—1$^{a.}$ Edinburgh and Glasgow Railway; Glasgow, Paisley, Kilmarnock, and Ayr Railway; Wakeyhill Inclosure.

2$^{a.}$ Cheltenham and Great Western Union Railway; Birkenhead Improvements; West Stirlingshire Roads (No. 1).

3$^{a.}$ and passed:—Mieville's Divorce.

PETITIONS PRESENTED. From Kilcornan, Chapel Russell, Ballycommon, and other places, for Encouragement of Schools in connexion with the Church Education Society (Ireland).—From the North Western Districts of the Metropolis, for the Redemption of the Tolls on Waterloo, and the other Metropolitan Bridges.—From the Guardians of the Wellington Union, for Alteration of the New Poor-law as regards the Duties of Commissioners and Guardians.—From Owners and Occupiers of Land near Basingstoke, Reading, and Newbury, against the proposed Alteration of the Corn-laws.—From Kincardine, Reading, and Newbury, against the Importation of Foreign Cattle.—From the East Essex Agricultural Society, from the Isle of Sheppy, from Long Sutton, and Chevening, for Protection to the Agriculturists.—From Monaghan, Grange, Ardfinane, and other places, against the Importation of Foreign Flour into Ireland.—From Canada, for the Repeal of the Import Duty on Canadian Produce.—By Lord Brougham, from Limehouse, and Kincardine, against the Income-tax.—By the Duke of Sutherland, Earl Stanhope, Lord Western, and Lord Brougham, from

Wick, Pulteney Town, St. Mary's, South Ronaldshay, Orkney, and Etruria in Staffordshire, for the Repeal of the Corn and Provision Laws.—From the Ministers and Congregations of Dissenting Chapels in Belfast, and Fethard, that all Marriages between Members of the Church of England and Dissenters, or Presbyterians, may be rendered Valid.—From Poolingford, Denston, Llanfan, Dyffryn, Clwyd, and Clare, against any further Grant to Maynooth.—From Great Yeldham, and Stambourne, for Inquiry into the course of Instruction at Maynooth.

CORN LAW.] Lord *Western*, in presenting a petition from the farmers of Essex, said, that the petitioners complained of the injury they should sustain from the proposed alteration of the Corn-laws, and stated this impost was to be considered as a tenant's tax, and not as a landlord's tax. They also complained of being deceived by the right hon. Gentleman at the head of the Government, and by their own representatives. The noble Lord said, he could bear his testimony to the fact, that the belief among the farmers was general, that they had been deceived by the present Government, and they knew, they had been deceived by their own representatives. The feeling which had been expressed on a recent occasion, that the Government measure had driven the farmers from the frying-pan into the fire, was universal in his county, and would be universally expressed, but that the Conservative landlords kept down the spirit of farmers to the utmost extent in their power. He did firmly believe, that he represented fairly what was the feeling of the farmers in the county in which he resided.

The Duke of *Wellington:* As a day is fixed for the discussion of this subject, I think it would be as well—probably more fair—if noble Lords would refrain from the use of such harsh expressions as that the country has been deceived by the right hon. Gentleman, at the head of the Government, in another place. I think these expressions ought at least to be avoided, until the House can come to a fair discussion on the question, and when the noble Lord may have an opportunity of stating how, where, when, and in what language, my right hon. Friend deceived the public on this question. I repeat, my Lords, that I think the noble Lord's candour should at least have prompted him to say how, where, and when that deception was practised, before he came down, and in set terms, on the mere presentation of a petition, pronounced a charge of this description. My Lords, I deny the imputation as formally and as distinctly, as the noble Lord has made it. I say, it is not true.

Lord *Western:* The noble Duke says, that my assertion is not true. I tell the noble Duke and the House, that the tenantry of the county in which I reside, believe, that they have been deceived by the Government and by their representatives. The conduct of the right hon. Baronet, at the head of the Government, in 1838, 1839, and 1840, on the subject of the Corn-laws, naturally led to the conclusion, that he would take a similar course in the present year. Who could imagine, from the opinions formerly expressed by the right hon. Baronet, that he would introduce such a measure as that which he has now proposed? I don't say, that he has wilfully deceived the agriculturists; but his conduct led to the conception, on their part, that he would never have entertained the measures now before the country.

Petition laid on the Table.

EDUCATION AT MAYNOOTH.] The Earl of *Kenyon*, after presenting petitions against the system of Education at Maynooth, said, he concurred in the prayers of these petitions, and thought that if a committee were appointed, he should be able to show, that a Government grant ought to be no longer bestowed on the college at Maynooth.

The Earl of *Cloncurry* was sure, that if the noble Earl succeeded in getting his committee of inquiry, it would be ascertained, that no institution could be better conducted than that of Maynooth, where the first minds in the country were employed in educating the priesthood. He was persuaded, that instead of the sum now given, five or ten times that amount should be granted, if it were desired, that the priesthood brought up there should be of the same class and description as those formerly educated on the continent. This grant to Maynooth was originally made as a compensation for the large sums vested in continental establishments for the education of the Irish priesthood, and lost or destroyed at the period of the French revolution, and also because there was great fear of the intercourse which then took place with the continent, and which the Government of the day wished to check. He must state to their Lordships that the present body of Catholic clergy in Ireland constituted a very exemplary priesthood; but he was old enough to remember the superior description of men as to learning and conduct amongst those who were formerly brought up on the Continent. The sum allowed for education was so small that persons of the humbler classes only would consent to take on themselves the charge of the sacred ministry. He recollected the time when the first families furnished the priests of Ireland. It would be seen on the slightest calculation that the sum furnished for their education was miserably small, and his only surprise was, the excellent conduct of the priests, considering their origin. He must do them the justice to say that, at periods of the greatest distress and agitation, the only persons who kept the country quiet and secured the enjoyment of liberty and property were the priests.

The Earl of *Wicklow* fully concurred in much of what had been said by his noble Friend. As to the prayer that the grant for Maynooth should be withdrawn, it appeared to him to be the height of absurdity. No person connected with Ireland would ever recommend such a measure. Parliament having sanctioned such a grant, he believed the best policy would be to increase it in such a manner as that the priests educated at Maynooth should be of the same description as those formerly brought up on the Continent. He believed that such a step would tend more to the tranquillity and permanent improvement of the country than any measure which could be adopted by Parliament.

Lord *Kenyon* asked the noble Lord whether he was aware of the course of instruction in Maynooth, and whether he had ever seen the class-books? If the noble Lord had, he would no doubt admit the necessity for a committee of inquiry.

The Earl of *Wicklow* had not inspected the course of education at Maynooth; but if it were not such as it ought to be, that was the fault of the Lord Chancellor of Ireland, the Lord Chief Justice, and other functionaries, under whose inspection Parliament had placed it.

FORGED EXCHEQUER BILLS.] The Duke of Wellington moved the committal of the Forged Exchequer Bills Commission Bill.

Lord *Campbell* had no intention of opposing the progress of this bill; but unless counsel were heard at the discretion of the commissioners, on the side of the public and the holders, he should move a clause to that effect.

The Duke of *Wellington* said, the holders must make out their case the best way they could. It will then be for the Treasury to sift their claims, and he thought it would be best to leave it to the discretion of the Commissioners to provide such regulations for carrying on the investigation as they should deem suitable, without inserting any distinct clause in the bill for such an object.

Lord *Brougham* agreed that the discretion was wisely left with the Commissioners, but he hoped, with his noble and learned Friend, that the public would be duly represented.

Bill went through committee.

SPIRIT DUTIES (IRELAND.)] On the motion that the Spirit Duties (Ireland) Bill be committed,

The Earl of *Wicklow* said, he had no objection to offer to this bill. On the contrary, he approved of the principle of a high duty on spirits as far as that could be effected without risking the chance of an increase of an illicit distillation; but when he recollected the demoralising effects which had resulted from an extensive prevalence of illicit distillation, he owned that he looked with some alarm at any measure which had a tendency to produce it. He should, therefore, have felt it his duty to oppose the present measure on that ground, if he were not convinced that the Government, before introducing it to the Legislature, had examined the subject in all its bearings, and were satisfied that it would not be attended with the effects to which he alluded.

Lord *Monteagle* was of opinion that this measure would prove a complete failure as to revenue, and that its operation must be attended with the most mischievous consequences. It was the last objection that could be fairly urged against the present Government, that their financial plan would bear hardly on Ireland; but he thought he could show, from facts which had come within the knowledge of noble Lords whom he addressed, that this part of the financial scheme of the Government would not answer any of the purposes for which it had been proposed. In 1823, under Lord Liverpool's Government, a commission, at the head of which was Lord Wallace, was appointed to inquire into the probable effects of a reduction of duty upon Irish spirits. Those Commissioners stated that if a higher duty than from 2*s*. 4*d*. to 3*s*. was levied upon whiskey, fraud and illicit distillation would ensue. The commission, in its 5th report stated :—

> "Our inquiries have satisfied us, and we think experience has fully proved, that in the remote parts of Ireland and Scotland it is impracticable to levy the high rate of duty at present charged on spirits. On carefully comparing the mass of information we have received, we are, after much reflection, led to conclude that if a higher duty than 2*s*. 6*d*. to 3*s*. is charged upon spirits, the licensed distiller cannot enter into successful competition with the illicit distiller, and we cannot therefore hesitate to recommend a reduction to that amount. We hope that the reduction will not be attended with loss, but that an augmentation may be expected."

Lord Liverpool's Government acted on the information just received, and in 1823 a reduction in the duty was made of from 5*s*. 6*d*. per Irish gallon to 2*s*. per English gallon. The increase in the quantity brought to charge consequent upon the reduction of duty was upwards of 3,342,000 gallons; the consumption in 1823, being 3,348,000 gallons, and in 1824, 6,690,000 gallons. But in 1826 an opposite course was adopted by the Government; the duties on spirits were increased to 2*s*. 10*d*. per imperial gallon. The effect was felt in the reduction which immediately followed in the quantity consumed; in 1825 the quantity consumed being 9,262,000 gallons, and in 1826 the quantity having fallen to 8,260,000 gallons. In 1830 an additional duty of 1*s*. per gallon was imposed by Mr. Goulburn, which was the increase of duty which was now proposed to be laid on. In 1834 a commission was again appointed which examined and reported on the spirit duties. Sir Henry Parnell was chairman. He would, with their Lordships' permission, read extracts from the report furnished by that second commission relative to the effect which had been found to follow from the increase and reduction in the duties on spirits. The commission stated :—

> "From the numerous examinations of distillers and excise officers, it will be seen that there is, with very few exceptions, a complete concurrence of evidence that the practice of illicit distillation has almost uniformly kept pace with the advance of duty; that in 1823, when the great reduction of duty took place, the habits of the smugglers were nearly annihilated, and that the revival and subsequent increase of these practices have been nearly contemporaneous with the consecutive increase of duty in 1826 and 1830."

And again at page 90,—

> "It seems unnecessary that we should enter into any further description of the grounds on which we consider a reduction of the duty to the amount at which it stood under the recommendation of the former commissioners, as the only remedy for the evasions of duty which can be proposed with any prospect of success. . . . . . . A firm conviction induces us to urge the necessity of retracing the steps taken in increasing the spirit duty. From a repeal of the additional duty, we confidently expect a general suppression of illicit distillation and a full compensation to the revenue."

In consequence of these reports, his noble Friend the Chancellor of the Exchequer (Earl Spencer) proposed to reduce the duty from 3*s*. 4*d*. to 2*s*. 4*d*. per gallon. His noble Friend stated that,—

> "The Government had felt it their duty to consider the subject of the Irish spirit duties with a view of ascertaining whether it might not be advisable, by a diminution of the duty, to prevent illicit distillation, and, at the same time, not to expose the revenue to much loss. He felt confident that by reducing the duty from 3*s*. 4*d*. to 2*s*. 4*d*., very advantageous results would be obtained, and that the amount of spirits brought to charge would rise, from 8,000,000 gallons, to 10,000,000, and that in future years the revenue would suffer no loss whatever."

The consequence of this reduction as regarded the increase in the quantity consumed was even greater than had been anticipated. In 1834 the quantity consumed had been 8,136,000 gallons. In 1836 the quantity became 11,634,000 gallons. In 1840 Mr. Baring, the then Chancellor of the Exchequer, imposed an additional duty of 4*d*. upon Irish spirits. To this imposition Mr. Goulburn strenuously objected, stating that he thought,—

> "The result would be a loss of revenue, and that in his opinion the Government, in imposing the additional duty, had not profited by the experience which his own measure, in 1830, had furnished them with. He believed that it had been established that, in proportion to the reductions which had taken place in the duty on Irish spirits, the revenue had been augmented, and that the effect of increasing the duty had always been to diminish the consumption, and consequently the revenue."

The result fully confirmed this anticipation. The case, however, was even more serious at present than it had been at former periods when an increase in the amount of duty had been laid on. If illicit distillation should again be revived, the noble Duke opposite knew what would be its probable effects on the troops who might be called out for the purpose of its suppression. The military force applicable for that purpose, was now on a very different scale from what it was formerly. It was formerly upwards of 20,000 men. It is now scarcely half that number. It would be borne in mind, that the service of suppressing illicit distillation had been found most destructive to the organization and discipline of the troops who had been engaged in it. He believed that a renewal of illicit distillation would have the effect of endangering the peace of the country, and that it would tend greatly to the encouragement of crime. Out of 16,000 commitments which had taken place in Ireland during one period, he found that upwards of 4,000 had proceeded from illicit distillation. The military power possessed by Government for checking illicit distillation was less than it had been, while the inducement to commit the offence was greater. Without wishing in any degree to anticipate the discussion of a question which would come in due course before the House, he could not doubt that there was less protection to be placed by the new tariff on barley and oats, relatively to wheat, than the protection given by the old scale. The effect, then, of the proposed additional duty would be, that crime would be increased, and that the military employed to suppress illicit traffic would suffer in organisation and discipline. A criminal connivance would, as in former times, spring up between those who violated the law and those who profited by that violation, alike irresistible and indefensible. Farmers, and those in the ranks of life immediately above farmers, would find that their best profit lay in joining in, or conniving at the practice of illicit distillation. A witness examined before Lord Wallace's commission in 1822 was asked where the smugglers found the best mart for their article? The reply was, that their best customers were the magistrates, the officers of the King's army, and the dignitaries of the church. He did not make the statement as a fact coming within his own knowledge; he merely gave the reply of the witness. The notion of deriving an increase of revenue to the extent of 250,000*l.* from the proposed duty was the most delusive expectation that had ever entered into the mind of man. He had thought it his duty to make these observations with the view of showing the danger which would attend any increase of duty on spirits in Ireland. He believed that the result of such a measure being carried into effect would be a great increase of illicit distillation, and consequently of crime; if, therefore a division should take place, he would be compelled to say, "not content" to this bill.

The Duke of *Wellington* could assure his noble Friend near him (the Earl of Wicklow) that Government had made every inquiry as to the probable result of the proposed additional duty on Irish spirits. The result of these inquiries had been, that the Government believed that the measure would not occasion that increase in illicit distillation which had been anticipated. Every security would be taken in order to prevent it, and he believed that the arrangements which would be put in effect would accomplish that result. He would take the opportunity of mentioning that the consumption of spirits in Ireland had increased in the face of the duty imposed by the late Chancellor of the Exchequer.

The Earl of *Ripon* wished to notice one point of the subject, the inequality of duty upon Scotch and Irish spirits, the duty upon the former being 1*s.* higher than upon the latter, while the propositions before the House were intended to equalise the duties in both countries. The greatest inconvenience had been felt to result from the difference in duty at present subsisting, and it had been found necessary to establish the most inconvenient regulations with respect to the transmission of spirits between Scotland and Ireland, and it was most desirable that these inconveniences should be removed by the introduction of a measure equalising the duties. It would not be desirable that with this view the duties on Scotch spirits should be lowered to the rate of that on Irish spirits, and, therefore, unless it could be clearly shown, that the proposed increase of duty would be attended with those injurious effects of which his noble Friend seemed to be apprehensive; the best course to get rid of the inconvenience of the inequality of duty was that which the Government proposed. The noble Lord had drawn a comparison between the quantities of spirits consumed before the great reduction had taken place, and after that period. But it would be recollected, that the duty from which that reduction was made, was higher than the point to which it was now proposed to raise it. The reduction in question was a bold attempt to put an end to the system of illicit distillation—a system which had been the object of so many, and so very unsuccessful attacks, that it was deemed necessary either to give up the attempt at suppression in despair, or to make it effectual by a reduction of one-half the duty. He did not think, that in itself the measure was a desirable one, and so he said at the time. He adopted it, as it seemed to be the only mode by which it appeared possible to put an end to the evils of illicit distillation. But it did not follow, that when that system had been destroyed, and better means of preventing its renewal had been organised, it did not follow that they were not at liberty to attempt to raise the amount of duty to as high a pitch as it would bear. Indeed, the only grounds on which they could limit the amount of duty, was the risk of some quantity being consumed without having been brought to charge, and thereby not only was the revenue defrauded, but the consumer, in this instance, the unfortunate consumer, had the opportunity of easily obtaining large quantities of ardent spirits. But after consulting men of practical experience in the excise department in Ireland, well conversant with the working of the system, the Government had come to the resolution that it could safely propose the additional duty.

The Bill passed through committee.

GREENWICH HOSPITAL SCHOOLS.] Lord *Duncannon* rose to move resolutions, of which he had given notice, with respect to these schools; they had been established for the education of persons of the poorest class, who had not the opportunity of otherwise sending their children to school, principally with the intention of bringing them up for the naval service. He wished particularly to call the attention of the House to the last resolution which he should have the honour of proposing. From the published report of Admiral Fleming's letter to the Admiralty upon these schools in 1840, it appeared that

> "At that time the schools were very far in arrear of the majority of such institutions—that more than one-half of the boys could not read; that when discharged from the establishment at the age of fourteen or fifteen years, few, if any, were ready to enter the sea service, still fewer were apprenticed to trades; and all being incapable of procuring a livelihood, were a burden to their friends, to the parishes, or were driven to dishonest means."

The Lords of the Admiralty applied, in consequence of this report, to the committee of the Privy Council on education, in order that the schools might be inspected by an officer of that board. The committee accordingly sent down Mr. Tremenhere, and his report had been laid on the Table of the House. By that report, it appeared that the state of the schools was very unsatisfactory, and that the moral and religious education of the children had been entirely neglected. In consequence of this report, the schools had been remodelled. It was arranged, that the superintendence of the masters should be extended to the boys out of the school-room as well as within its walls. Great opposition had been made to this arrangement by those in authority, but from what he had now heard from the noble Lord at the head of the Admiralty, he trusted, that it was the intention of Government to carry out those schemes of improvement which had been already put into execution. It was not his intention or wish that these schools should not be under the control of the Admiralty, but he wished that they should be under the constant inspection of the Privy Council, in order to insure to the public a participation in the improvements lately made. A person being appointed by the Admiralty to act as inspector he did not think would be sufficient. He regretted to understand, that his noble Friend would not consent to have the schools under the inspection of the committee of Privy Council. The noble Lord concluded by moving the following resolutions:—

"1. That the schools connected with the royal hospital at Greenwich, were established for the education and maintenance of children of persons who have been employed in the naval service:

"2. That these schools had been for many years supported at an expense equal to two-thirds of the grants annually made by Parliament, for the promotion of education in Great Britain, and had been under the direction and management of the Admiralty exclusively, and had been inspected annually by that board:

"3. That the late governor of the royal hospital reported to the Admiralty in August, 1840, that the schools were 'very far in arrear of the majority of such institutions; that more than one-half of the boys could not read; that when discharged from the establishment at the age of fourteen or fifteen years, few, if any, were ready to enter the sea service, still fewer were apprenticed to trades, and all being incapable of procuring a livelihood, were a burden to their friends, to the parishes, or

Admiralty, and subject to the ultimate control of Parliament. He had no doubt that the noble Lord would enter with zeal upon the system of inspection which he was willing to establish; but it should be recollected that such inspection had already taken place under men of very great ability and industry, and yet had failed, from the unfitness of the board properly to look into the question of education in detail; and the reports upon the present state of the establishment were to the effect that this, which ought to be at the head of all such establishments in the country, was placed very much in the rear of them; and instead of being a national honour was a national disgrace. The noble Lord lately at the head of the Admiralty, who held as much by naval privileges and naval habits as any man, had stated his concurrence in the propriety of a system of visiting inspectors. And here he might observe, that the inspectors employed by the Privy Council were peculiarly qualified for the duty, because they were men of experience; they were engaged in the practice of inspecting great public schools, and were capable of judging of their comparative merits. His noble Friend opposite said he saw no objection to inspectors coming to the schools, provided they reported exclusively to the Admiralty. There might be a convenience in that, but it would be less satisfactory to the public. The Privy Council had repeatedly declined to inspect schools of great magnitude connected with the church and others, unless the inspectors reported directly to them—liable, of course, to be communicated to the parties concerned. He should not enter further into any details connected with the subject, except to observe that it would be found essential to the prosperity of any school that the masters should be entrusted with the exclusive management and protection of the boys at all times both in and out of school hours. The attempt to establish a co-ordinate authority, by the appointment of serjeants and mates, had had the natural effect of discouraging, and he believed that in some instances that discouragement was felt in its greatest extent at the present moment. Whether his noble Friend persevered in his motion or not, he was glad he had called the attention of their Lordships to it, because he thought it one peculiarly deserving of consideration.

Lord *Colchester* said, that instead of the school being a national disgrace, as stated by the noble Marquess, the opinion of Mr. Tremenhere himself, which the noble Lord (Duncannon) had read, gave a different impression. The letter of the governor to which the resolution of the noble Lord referred, in which he stated that half the boys could not read, applied only to the lower school. The letter of Admiral Fleming, which had been read at their Lordships' Table by the noble Viscount, distinctly stated that it was to the lower school only that the accounts of the defective state of discipline prevailingly applied. The report of Mr. Tremenhere stated, that the boys attending the upper school were in a considerably advanced state. The first class, which was said to be in the most backward condition, contained only one hundred boys out of 400. Although it was true that considerable irregularity had resulted from the nearness of the girls' school to that of the boys, Mr. Tremenhere had not recommended that the former should be discontinued, but that it should be removed to a greater distance from the latter. He knew that many men who had been sent out by this establishment had done themselves great credit, and he had heard of instances in which officers had manifested great anxiety to get their children admitted to the school. Many of those educated there who had gone into the merchant service had risen to be mates and masters of vessels.

The question was then put on the amendment, and which passing in the affirmative, their Lordships adjourned.

HOUSE OF COMMONS,

Thursday, April 14, 1842.

MINUTES.] BILLS. *Public.*—1°· Church Patronage (Scotland).

2°· Australia and New Zealand.

Private.—3°· and passed :—Edinburgh and Glasgow Railway; Glasgow, Paisley, Kilmarnock, and Ayr Railway; Wakeyhill Inclosure.

PETITIONS PRESENTED. By Mr. Bramston, Sir J. Trollope, and Mr. J. O'Brien, from Essex, Boston, Limerick, and other places, against the Importation of Foreign Cattle.—By Mr. Macaulay, from the Chamber of Commerce at Edinburgh, for the Rescinding of the Order which precludes the Presentation of Petitions upon the subject of any Tax or Duty under the consideration of the House.—By Mr. Murphy, and Sir G. Clerk, from the Leather Cutters and Shoemakers at Cork, Bristol, Kirkaldy, and Stamford, against the Reduction of the Duty on Foreign Boots and Shoes.—From Bradford, for the Exemption of Mechanics' Institutions from payment of Rates and Taxes.—From Kilcommon, and Crosspatrick, for Alteration of the present System of Education (Ireland).—From York, for the Repeal of the Stamp Duty on Attornies Certificates.—By Mr. Villiers, from Working Men at Dukinfield, Leek, Tunbridge Wells, St. Ronaldshay, Orkney, Nantwich, and several other places, for the Total Repeal of the Corn-laws.—By Mr. Borthwick, from Notting Hill, and Kensington, for a Bill to compel Parishes to Light the Roads.—By an hon. Member, from Thirsk, against any further Grant to Maynooth College.—From New Windsor, for an Alteration of the New Poor-law.—From the Port of Tyne, against the Imposition of any Export Duty on Coals.—From Newry, suggesting a Scale of Duties for Hydes and Skins, and for the Reduction of the Duty on Bark.

Sudbury Election.] Mr. *Redington* brought up the report of the committee on the Sudbury election, as follows :—

"That Frederick Villiers and David Octerlony Dyce Sombre, esquires, were not duly elected Burgesses to serve in this present Parliament for the Borough of Sudbury:

"That the last Election for the Borough of Sudbury was a void Election :

"And the said Determinations were ordered to be entered in the Journals of this House.

"House further informed,—That the Committee had agreed to the following Resolutions:

"Resolved,—That Frederick Villiers and David Octerlony Dyce Sombre, esquires, were, by their agents, guilty of Bribery at the last Election for the Borough of Sudbury;

"Resolved,—That the Committee are of opinion, from the Evidence given before them, that gross, systematic, and extensive Bribery prevailed at the last Election for the Borough of Sudbury; and they also consider it their duty to express to the House their unanimous opinion that the Borough of Sudbury should be disfranchised, and that a new Writ ought not to be issued for the said Borough."

Report to lie on the Table.

Mr. *Redington* then moved, and on his motion it was ordered,

"That the Minutes of the Proceedings of the Committee, and of the Evidence taken before the Committee, be laid before this House, and that Mr. Speaker do not issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Sudbury, before Saturday the 7th day of May next."

Mr. M. Blake.] Mr. *M. J. O'Connell* said, he was requested by the hon. Member for the county of Mayo (Mr. M. Blake) who was at present in custody of the Sergeant-at-Arms, for not having attended when called upon to be sworn as a member of the Cardigan election committee, to state that the hon. Member had been in Ireland for more than a month, but hearing that his presence was likely to be required in the House, he left Dublin on Monday night, but unfortunately the steam vessel on board of which he was embarked, did not arrive in Liverpool until a quarter of an hour after the departure of the mail train on Tuesday. He therefore did not arrive in London until yesterday evening. Mr. Blake was a young Member, and he trusted that the House, taking all the circumstances of the case into consideration, would consent to the discharge of his hon. Friend, upon payment of the fees. He concluded by moving that Mark Blake, Esq. be discharged out of the custody of the Sergeant-at-Arms on paying his fees.

Lord *G. Somerset* said, that in consequence of its having been necessary to send a messenger to Ireland, Mr. Blake's fees, upon this occasion, would amount to about *25l.* or *30l.* This might be considered a sufficient punishment to the hon. Member for his inattention, but if the fees had been merely a nominal sum, he should not have been inclined to accede to the motion. He thought that some regulation should be adopted for compelling Members, who in future might absent themselves when called upon to serve on election committees, to defray the expense which the parties to such petitions might incur in consequence of their absence.

Sir *G. Grey* concurred in the suggestion thrown out by the noble Lord. The system of payment of fees operated unequally. In the present case Mr. Blake would have to pay *30l.* because he happened to live in Carlow. If he had lived near the House he would have had to pay only the ordinary fees, which were inconsiderable in amount.

Motion agreed to. Mr. Blake ordered to be discharged.

Right of Petitioning.] Lord *F. Egerton* rose to submit the resolutions of which he had given notice, respecting receiving petitions. After the repeated discussions which the question had undergone, he would not detain the House by many observations. The object of his resolutions was twofold, namely, to open the doors of the House to petitions against taxes proposed for the service of the year, and, at the same time, to prevent that concession from giving rise to any undue interference with the conduct of that public business which was the main duty the House had to perform. The first five of his resolutions were of a formal nature, merely reciting the present practice of the House with respect to the presentation and reception of petitions. The sixth was framed for the purpose of meeting the views of the hon. Member for Finsbury, and those which he himself entertained. He did not anticipate any opposition to the resolutions which he had framed, and which, having been printed with the votes, had doubtless already undergone the consideration of hon. Members. It had been suggested on a former evening, that he had unnecessarily put himself forward with reference to this question, as if he were desirous of sharing the honour, whatever it might be, which properly belonged to his hon. Friend, the Member for Finsbury, for his exertions to obtain from the House an admission of the right of the people to petition against the Income-tax. He could assure the House and his hon. Friend that he had not the most remote intention of doing anything of the sort, and that he freely made over to his hon. Friend all the honour which was due to him. In the course which he had pursued, he had been influenced solely by a sense of respect for that House. He found the question in a state which was likely to exasperate the feelings of Members on both sides of the House, and he thought it one of those occasions, perhaps rare, when an individual possessed of no personal influence and authority, might, by bringing forward a proposition which had nothing to recommend it but its own merit, render a substantial service to the House. The noble Lord concluded by moving the following resolutions:—

"1 That every Member offering to present a petition to the House, not being a petition for a private bill, or relating to a private bill before the House, do confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it, and of the material allegations contained in it, and to the reading of the prayer of such petition.

"2. That every such petition not containing matter in breach of the privileges of this House, and which, according to the rules or usual practice of this House can be received, be brought to the Table by the direction of the Speaker, who shall not allow any debate, or any Member to speak upon, or in relation to, such petition, but it may be read by the clerk at the Table if required.

"3. That if the petition relate to any subject in respect of which there is any proceeding before the House, or any notice given, it be referred to the committee on public petitions without a question being put.

"4. That if the question relate to any matter or subject which the Member presenting it is desirous of bringing before the House, and if such Member shall state it to be his intention to make a motion thereupon, instead of such petition being referred to the committee on public petitions, such Member may give notice that he will make a motion on some subsequent day, 'That the petition be printed with the votes.'

"5. That, in the case of a petition complaining of some present personal grievance, for which there may be an urgent necessity for providing an immediate remedy, the matter contained in such petition may be brought into discussion on the presentation thereof.

"6. That, subject to the above regulations, petitions against any resolution or bill imposing duties for the current service of the year, be henceforth received, and the usage under which the House has refused to entertain such petitions be discontinued.

"7. That the said resolutions be made standing orders of this House."

The question was put on the first resolution.

Mr. *Wallace* protested against making the resolution which prohibited discussions upon petitions, and which could be enforced only during the present Session, a standing order. He believed the old practice of debating upon petitions was most advantageous, and hoped it would be again resorted to. The long debates which were now so much complained of were in some degree the result of the abolition of the practice of discussing petitions, for those Members who used to speak on petitions now spoke in debate. It was well known that, at present, the great guns never went off until ten o'clock, and the previous hours were occupied by the minor poets. He would divide the House upon the first resolution.

Mr. *T. Duncombe* said, that nothing had fallen from him which could indicate the slightest jealousy, on his part, at the interference of his noble Friend. On the contrary, he felt indebted to his noble Friend, first for the vote which he had given upon a former day in support of his motion, and secondly, for having again brought the subject under the consideration of the House. With respect, however, to the resolutions proposed by his noble Friend, he must say, that he did not altogether approve of the manner in which they had been brought forward, or the terms in which they were couched. The concession which had been wrested from Ministers might have been made in a more gracious manner, in as much as he had never proposed, that petitions against the Income-tax should be treated in a manner different from other petitions. What was the use of proposing a string of resolutions showing what had been the practice already adopted by a large majority during the present Session, when the question of having discussions upon petitions was raised by the hon. Member for Greenock? He was one of the minority who voted with the hon. Member upon that question. The existing resolution was tantamount to a standing order. He now came to the sixth resolution, which embodied the resolution which he had himself proposed the other evening. The sixth resolution of his noble Friend ran thus:—

> "That, subject to the above regulations, petitions against any resolution or bill imposing duties for the current service of the year be henceforth received, and the usage under which the House has refused to entertain such petitions be discontinued."

What was the use of the words "subject to the above regulations?" He objected also to the phrase "for the current service of the year," which was quite unnecessary, and would only narrow the concession it once proposed to make. After all he must admit, that this was not much of a feather-bed for the right hon. Baronet, on the contrary, it let him down hard and heavily upon the bare ground. On a former evening, he had voted with his hon. Friend the Member for Greenock, and if his hon. Friend went to a division, he should certainly vote with him again.

Mr. *Aglionby* said, the resolution now proposed was a mere transcript of the resolution agreed to at the beginning of the Session. He wished to know whether a resolution could be put on their records that was the same in substance as one that already stood there? The distinction between a resolution and a standing order he understood to be this—the one was the law of the Session, and the other was the law of Parliament. Was it competent for him, or for any other hon. Member, to move that a resolution similar in substance to the present be rescinded? [The *Speaker;* Certainly not.] It might be convenient for the House to treat the petitions of the people in the way it did, but he could not see the necessity of such a usage, nor could the people out of doors see the necessity of the usage. However low the abilities of hon. Members might be, they were sent to that House to speak for their constituents, and felt it their duty to do so. Not being allowed to speak on the presentation of petitions, they spoke during the principal debate, which they would not otherwise do. The right hon. Baronet had already taunted the House twice with there being only forty-four Members in the House while the debate was going on, and from that thin attendance the right hon. Baronet inferred that not much interest was felt in the subject of the debate. The inference was not correct, however; the fact was, that hon. Members absented themselves till the more serious part of the debate commenced. He attributed this inconvenience chiefly to the discontinuance of the old practice of debating on petitions. If petitions were allowed to be presented at another part of the day, they would find that those Members who spoke at a particular period of the evening would then express their opinions on the discussion of the petitions, and leave the evening to the great authorities of the House. He for one would never consent to have this resolution converted into a standing order.

Sir *R. Peel* said, after he had fairly avowed that his opinion had been overruled, what occasion could he have for a feather-bed? He did not feel at all uneasy about his fall. He felt it of little importance how the resolutions were worded, and he could assure the House he had not suggested one single modification with a view to break his fall. He could not agree with the hon. Gentleman as to the disadvantages attending the practice which now prevailed. He thought that the rule which confined Gentlemen, who did not occupy a prominent political station, to debating on petitions, placed them in a much worse position than they were at present, when they took part in the general debates. The hon. Gentleman complained that the interesting speeches did not commence till a late hour in the evening. In that respect he could not agree with the hon. Gentleman. He had sat there, during the late debate, from the beginning of the evening, and he must say, some of the most interesting speeches which had been made during that debate had been made in that part of the evening. He had heard, for instance, the speech of the hon. Member for Leeds—a speech which displayed great ability, and contained powerful arguments against his proposition. He had also heard the gallant Commodore opposite (Sir Charles Napier) make an excellent speech, and he had at the time observed to those who were sitting near him, that he had seldom heard a better speech on the subject, or heard an hon. Gentleman state his opinions more fairly; and he would be glad to hear the hon. and gallant Commodore more frequently on subjects of that kind. Then there was, on his own side of the House, the speech of the noble Lord the Member for Liverpool, one of the ablest speeches delivered during the debate. If the hon. Gentleman would only make the experiment of coming down there at an early hour of the evening, he could assure him that he would hear some excellent speeches. [Mr. *Aglionby* was scarcely absent a single evening.] He thought the hon. Gentleman could not have heard the speeches in question, when he spoke of the debates being without interest in the early part of the evening. Inconvenient, however, as the practice of adjournment was, a return to the old practice of debating on petitions would be still more inconvenient. If the morning was again set apart for the reception of petitions, and hon. Members were allowed to speak on them, the spirit of the debate would evaporate in the morning. The words of the resolution, "for the current service of the year," was perfectly in accordance with the present practice of the House.

Mr. *Wakley* said, that if the present resolutions were adopted, the popular party would lose a very valuable privilege, and, under the circumstances, he did not see why any compromise should take place. If the present resolutions were adopted and converted into a standing order, they would be in a far worse position than they were at present with regard to petitions. His hon. Colleague, after his motion was lost on the first night, brought up a petition contrary to the rules of the House, but if these resolutions were passed, and made a standing order, that could not be done any more. No discussion could take place, because the words of the second resolution were, that "No Member should be allowed to speak upon, or in relation to, such petition," and, therefore, no incidental matter could be discussed or noticed, because the Speaker would desire the Member to take his seat, and he would be obliged to do so. He would, therefore, ask the right hon. Baronet, who frankly owned that he had not changed his opinion, but was over-ruled, to consent to the motion of his hon. Colleague, and that would be the frank and honest mode of action, and would give satisfaction to all.

Lord *J. Russell* agreed with his hon. Friend who had first brought this business before the House, that the first resolution which his hon. Friend had suggested would be the best to adopt, and that it would be quite sufficient. The only difference between the two courses was, that the series of resolutions proposed by the noble Lord would convert into standing orders the present resolutions of the House, which the Speaker enforced during the present Session, and which were binding on the present Parliament. But, although he thought that the resolutions might be liable to some objections, he did not think them of sufficient importance to induce him to offer any opposition to the noble Lord. The hon. Member for Greenock, and the hon. Member for Cockermouth, were for renewing the old practice of speaking on petitions. But he did not agree with them in that particular, and he could not vote against an innovation which he had himself been instrumental in establishing. It appeared to him that a return to the former usage would lead to great inconvenience. Let them suppose a case with respect to the new tariff. Petitions against the tariff could be received; but if the old practice were enforced they might have debates upon the presentation of petitions upon any matter contained in the tariff, and no man could say upon what point the debate of the evening might turn. An hon. Member for Worcester might bring forward the case of gloves—another hon. Member might bring forward the case of boots and shoes—another hon. Member the case of copper and tin ores; at the same time, none of those debates could come to any practical end, nor could any one say at what time the business on the paper would be likely to commence. Even on the day which the right hon. Gentleman might happen to fix upon for the consideration of the tariff, it would be impossible to say, whether the debate would commence before ten or eleven o'clock. In order to remedy that inconvenience, the House had fixed a certain hour at which the presentation of petitions would cease, and the business of the evening begin Well, that got rid of one inconvenience; that of occupying the time of the House till ten or eleven o'clock on petitions. But still there was another inconvenience. So much time was occupied by debates on individual petitions, that many Members found they could not get their petitions presented at all. He could not, therefore, concur with those hon. Members who were for reviving the former practice of the House. He should certainly have wished that the noble Lord had contented himself with the sanction already given to the new rules relative to the presentation of petitions; but as the noble Lord thought that it would be desirable to put that resolution in a more formal shape, he should not oppose the course taken by the noble Lord; and he was, therefore, ready to support the noble Lord, and vote in favour of the resolutions before the House.

Mr. *James* said, that he entirely concurred with the noble Lord. If they were to return to the old practice of debating petitions, they would have to bid farewell to Sessions of five, six, or seven months, they would have to sit from the 1st of January to the 31st of December, all day and all night.

Lord *F. Egerton* said, in explanation, that in adding the words "for the current service of the year," of which the hon. Member for Finsbury had complained, it was his intention to meet the case, which had already occupied much of the attention of the House.

Mr. *Roebuck* said, that it was clear the addition of the words for "the current service of the year" would narrow the proposition of the noble Lord. The more large the proposal the greater number of petitions it included, and of course narrowing the proposition meant bringing down the number of petitions. There would be a smaller number of petitions presented on questions affecting the revenue. The motion of the hon. Member for Finsbury being lost by one, the noble Lord comes forward with resolutions not confined to the question, whether such petitions be presented or not, but travelling back to a resolution of the House affecting all petitions whatever. The noble Lord and the House had found that petitions must be presented, but they declare that it is inconvenient they should be discussed. The noble Lord came forward to cover the retreat of his friends with a string of resolutions, granting them (the Liberals) the honour of their victory, but depriving them of its substance, thus reversing for Ministers the order of English proceedings, by which it was usual to gain the victory and lose its substance; and following the course of foreign diplomacy by which it was usual to lose the victory and gain the substance thereof. In proving the right of presenting petitions to the House at present, he believed they were only fighting for shadows. If they placed the right hon. Gentleman in a minority to-night, they would gain nothing by it, for the right of petitioning had become a farce, or had passed away.

Viscount *Howick* said, if the right of petitioning had become a farce, it was through having been abused by speeches as utterly useless as that of the hon. and learned Member for Bath. The resolutions virtually included every petition that could be offered; and as to the right of speaking on their presentation, why, if the old practice were revived in that respect, the business of the House could never be got through. Nor could the evil be obviated by having, as was sometimes suggested, early sittings; for that only led to a greater evil—the introduction of a great many statements utterly without foundation into the House, when no one was present to hear and contradict them. Petitions now, by the rules of the House, received every attention that could be of practical utility; and when any petition was presented on which it was wished to raise a discussion, a most easy course was open for the attainment of that object. Any change in the practice could only tend to indiscriminate and useless speech making, which would waste the public time as much as did speeches like that just delivered by the hon. and learned Member.

Mr. *C. Wood* suggested an alteration, to provide, on the one hand, for the reception of petitions on matters not before the House (as to which he thought there was a little ambiguity), and, on the other, for the rejection of petitions, nor irregular in form, but on matters of which the House positively declined to take cognizance.

Sir *G. Clerk* conceived the proposed amendment would add to the utility of the resolution.

Mr. *O'Connell* said, although he had a strong feeling that petitions were not done entire justice to, he felt as strongly that it would never do to permit a revival of the old practice of indiscriminate debating on petitions being presented.

Sir *T. Wilde* was at a loss to see why the House need be involved in a discussion of this nature, when they could get rid of the difficulty by rejecting the first five resolutions. Those resolutions related to the question whether petitions should be debated or not. The other resolutions merely related to the question whether certain petitions should or should not be received? He thought the best course would be to declare that those petitions were to be received according to the rules of the House, and to give up the first five resolutions as superfluous. It was well known that any Member who thought proper might give notice of his intention to bring any particular petition under the consideration of the House; on those occasions there was, generally speaking, a pretty full attendance of Members acquainted with the subject, and this was a mode of dealing with petitions which appeared to him greatly preferable to the practice of suddenly bringing forward petitions at a moment when no person except the Member presenting them knew anything of the matter.

The House divided on the first resolution—Ayes 268; Noes 46: Majority 222.

List of the AYES.

A'Court, Capt.
Acton, Col.
Adare, Visct.
Ainsworth, P.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Bagot, hon. W.
Bailey, J.
Baillie, Col.
Baird, W.
Baldwin, B.
Baring, hon. W. B.
Barnard, E. G.
Barrington, Visct.
Baskerville, T. B. M.
Bell, M.
Beresford, Capt.
Beresford, Major
Bernard, Visct.
Blackburne, J. I.
Blackstone, W. S.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Botfield, B.
Bramston, T. W.
Broadley, H.
Brotherton, J.
Browne, hon. W.
Bruce, Lord E.
Buck, L. W.
Buckley, E.
Buller, C.
Buller, E.
Bunbury, T.
Burrell, Sir C. M.
Burroughes, H. N.
Busfeild, W.
Byng, G.
Campbell, Sir H.
Campbell A.
Cartwright, W. R.
Cavendish, hn. G. H.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Chute, W. L. W.
Clay, Sir W.
Clayton, R. R.
Clements, Visct.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Colebrooke, Sir T. E.
Colvile, C. R.
Courtenay, Visct.
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Currie, R.
Dalrymple, Capt.
Damer, hon. Col.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, J. D. S.
Drummond, H. H.
Dugdale, W. S.
Duncan, G.
Dundas, F.
Dundas, D.
Dundas, hon. J. C.
Du Pre, C. G.
East, J. B.
Easthope, Sir J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Ellice, rt. hon. E.
Ellice, E.
Eliot, Lord
Estcourt, T. G. B.
Evans, W.
Farnham, E. B.
Fellowes, E.
Feilden, W.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, Capt.
Fitzroy, Lord C.
Fitzroy, hon. H.
Fleming, J. W.
Follett, Sir W. W.
Forbes, W.
Forester, hon. G. C. W.
Forster, M.
French, F.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gordon, Lord F.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granger, T. C.
Greenall, P.
Greene, T.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Visct.
Guest, Sir J.
Hale, R. B.
Hamilton, C. J. B.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Heathcoate, Sir W.
Henley, J. W.
Hepburn, Sir T. B.
Hill, Lord M.
Hill, Sir R.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holdsworth, J.
Houldsworth, T.
Holmes, hon. W. A'Ct.
Howard, hon. J. K.
Howard, Lord
Howard, hon. E. G. G.
Howick, Visct.
Hutt, W.
Irton, S.
Irving, J.
Jackson, J. D.
James, W.
James, Sir W. C.
Jermyn, Earl
Johnson, W. G.
Johnston, A.
Johnstone, Sir J.
Johnstone, H.
Jones, Capt.
Kirk, P.
Knatchbull, r. h. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Langston, J. H.
Law, hon. C. E.
Legh, G. C.
Leicester, Earl of
Lemon, Sir C.
Lincoln, Earl of
Lindsay, H. H.
Loch, J.
Lockhart, W.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. General
Macaulay, rt. hon. T. B.
Mackenzie, T.
Mackenzie, W. F.
M'Geachy, F. A.
Maher, V.
Mahon, Visct.
Manners, Lord J.
Marsham, Visct.
Martin, J.
Martyn, C. C.
Master, T. W. C.
Masterman, J.
Miles, P. W. S.
Miles, W.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morris, D.
Morison, General
Mundy, E. M.
Murray, C. R. S.
Napier, Sir C.
Neeld, J.
Neeld, J.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
O'Brien, W. S.

Ord, W.
Owen, Sir J.
Packe, C. W.
Paget, Col.
Pakington, J. S.
Palmerston, Visct.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philips, M.
Pigot, Sir R.
Polhill, F.
Pollock Sir F.
Praed, W. T.
Price, R.
Pringle, A.
Protheroe, E.
Pusey, P.
Reade, W. M.
Reid, Sir J. R.
Rice, E. R.
Rolleston, Col.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, Lord J.
Russell, C.
Sandon, Visct.
Scarlett, hon. R. C.
Sheppard, T.
Shirley, E. P.
Sibthorp, Col.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Sutton, hon. H. M.
Thesiger, F.
Thornhill, G.
Trench, Sir F. W
Trotter, J.
Turner, E.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Waddington, H. S.
Wall, C. B.
Welby, G. E.
Whitmore, T C.
Wilbraham, hon. R.B.
Wood, C.
Wood, Col.
Wood, Col. T.
Worsley, Lord
Wortley, hon. J. S.
Wrightson, W. B.
Wyndham, Col. C.
Yorke, hon. E. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the Noes.

Archbold, R.
Bernal, Capt.
Blake, M.
Blake, M. J.
Blake, Sir V.
Blewitt, R. J.
Bowring, Dr.
Bridgeman, H.
Butler, hon. Col.
Chapman, B.
Cobden, R.
Crawford, W. S.
Curteis, H. B.
Dennistoun, J.
Duncombe, T.
Ewart, W.
Ferguson, Col.
Fielden, J.
Jervis, J.
Leader, J. T.
Marsland, H.
Mostyn, hon. E. M. L.
Murphy, F. S.
Norreys, Sir D. J.
O'Brien, C.
O'Connell, D
O'Connell, M.
O'Connell, M. J.
O'Connell, J.
Pechell. Capt.
Plumridge, Capt.
Powell, C.
Ramsbottom, J.
Roche, E. B.
Roebuck, J. A.
Seale, Sir J. H.
Somers, J. P.
Strickland, Sir G.
Tancred, H. W.
Thornely, T.
Wakley, T.
Wason, R.
Wawn, J. T.
Watson, W. H.
Wilde, Sir T.
Williams, W.

TELLERS.

Aglionby, H. A.
Wallace, R.

Resolution agreed to. The other resolutions to the 7th agreed to.

On the 7th resolution, "That the above resolutions be made standing orders of the House," being put from the Chair,

Mr. *Aglionby* said, this was the resolution to which he and those hon. Gentlemen with whom he generally had the honour to act objected most strongly. The hon. and learned Member for Worcester, to whom the House was indebted for the valuable observations he had made that evening, seemed to be at a loss to understand the reason why these resolutions should be introduced at all; it was a work of supererogation, and could have no other meaning than that the noble Lord and the hon. Gentlemen who supported him would not grant any concession of popular rights without at the same time doing all in their power to restrict those rights. ["Oh! oh!"] He said that advisedly. Why had these resolutions been introduced if not to do away with those upon which the House had acted before? But why were they to be converted into standing orders Would that add dignity to them? Or was it not intended to make them more binding and stringent? Believing that to be the end in view, he must oppose this last proposition. The noble Lord had dragged the House into a second division on this subject by bringing forward these resolutions, and he believed that their object was, coupled with the last one, to prevent the people exercising some power which the noble Lord and his supporters thought they possessed. The rule upon which the House acted before was found to be sufficient; and he would venture to ask the right hon. Gentleman in the Chair, whether he had ever found any difficulty in keeping hon. Members within proper bounds? He had never seen any instance of an hon. Member, on presenting a petition and exceeding the rule, not stopping on the instant that he was apprised of his mistake by the Speaker. To persist in carrying this proposition would be to show the people that when Ministers were all but beaten—as beaten they would have been if hon. Members had continued to present petitions—then they would acknowledge the right which the people possessed. Although the right hon. Baronet did not give up his opinions, he acknowledged that a majority of only one was insufficient to enable him to carry the question in the long run, and that it would not be just or wise to continue a contest which inconvenienced public business. That feeling was largely expressed by the House, but more extensively still out of doors, by thousands and tens of thousands. But why not acknowledge popular rights without fettering them with most obnoxious and unjustifiable conditions? Had a different course been taken the concession would have been gratefully acknowledged out of doors, but it was made in a way which would make it despised. It would be said that they had granted that which they could not withhold, but still they strove to repress the privileges of the people. He believed that many hon. Members who had voted in the majority on the last occasion would not vote in favour of these resolutions being made standing orders, and if many of them expressed a wish to go to a division he would not shrink from the responsibilty of taking one, but he would not suffer his feelings to force him into a useless division.

Mr. *Curteis* said, he was inclined to go further than the hon. Member for Cockermouth, and would move, instead of the motion now before the House, "That the said propositions be made and considered resolutions of this House." If that was not the way to frame his motion, he would put it in any shape which would declare that the propositions already agreed to should be made not standing orders, but resolutions of the House.

The *Speaker* intimated, that they had already become resolutions of the House.

Mr. *Wallace* said, he thought he should not pursue the course he had declared he would, for it was quite evident to him that hon. Gentlemen on both sides of the House, those who had been in office, and those who were now in office, were united in a wish to put a stop to the petitions of the people being received. He believed it, because he could easily conceive that it would be more convenient to official men to exclude those petitions, as they would then be able to fix the business for their own accommodation, so as to go away early to dinner; and not only that—he believed, also, that they were glad to restrict the liberties of the people. The speech of the noble Lord, the Member for Sunderland proved it; and he was glad, that the noble Lord had spoken out that night, for if his constituents were of that character, which he supposed them to be, the noble Lord would himself be taken to task for that speech in the proper place. Were he one of the noble Lord's constituents, he should be glad to have to execute that task on the public hustings. He was astonished to hear such a speech from an avowed Reformer. He knew to whom they were much indebted for that reform, which was now, it appeared, almost destroyed; and should regret exceedingly, if a noble Lord in another House should get up in his place, and give expression to similar sentiments.

Mr. *Lambton* protested against the unfair speech of the hon. Member against the noble Lord during his absence. [Mr. *Wallace:* I did not know the noble Lord was absent.] The character of the noble Lord stood too high to be affected by such observations, and his regard for public rights was too well known to be disputed.

Mr. *Wallace* repeated, that he did not know the noble Lord was absent, or he would not, perhaps, have said what he had said; but he begged to adhere to every word he had said. He would not refrain from repeating his remarks at a proper opportunity.

Lord *J. Russell* denied the existence of any such understanding between hon. Gentlemen on both sides of the House, as that to which the hon. Member for Greenock had alluded. That hon. Gentleman was quite mistaken in supposing that these resolutions would prevent discussion; and as to gentlemen in office going home to dinner when they pleased, he did not find it so when he was in office, nor did he think the right hon. Gentlemen opposite found it so now.

Resolution agreed to.

SEATS FOR MEMBERS.] Mr. *Wakley* said, he wished to put a question to the right hon. Gentleman in the Chair, relative to what he had always understood to have been the general practice of the House. He confessed, that he ought to apologize to the House for troubling it with so trifling a matter, which he should not do, were not the personal comfort of every Member of the House concerned. During the debate last night, a short time before twelve o'clock, he held some conversation with the hon. Member for Bath, relative to the motion and amendment before the House, and they were asking each other whether, if the first were put from the Chair, they would have an opportunity of coming back and voting on the second, or whether the doors would be closed, so as to prevent them from coming in. He had then been in the House more than three hours, and he left his seat for the purpose of inquiring of the Sergeant-at-Arms what interval would lapse in the divisions. He was not absent more than two or three minutes, when, on his return, he found his seat occupied by an hon. Member, who very abruptly refused to give it up to him. At that time, he did not know that he had left his hat in his place, not under, but upon, the seat; but he had been informed by several hon. Members around him, at a later period of the evening, that his hat was upon his seat. This might appear a trifling and insignificant matter; but if a Member left his place for a minute or two, to go to the vote-office or journal-office, it would cause great inconvenience to have his seat taken from him on every such occasion. Now, his object was to inquire what was the usual practice, and what was the conduct which should govern hon. Members in this matter. He had always understood, that a Member secured a seat by being at prayers, and also by taking possession of a seat, and leaving his hat in it during a momentary absence. He wished to know the rule, in order that the regularity of the House might not be disturbed by an absence of proper conduct on the part of hon. Members. The hon. Member who did this—[*Cries of* "No, no!"] Yes, I will name him—it was the hon. Member for Leicester.

The *Speaker* said, the rule of the House was, that any Member being at prayers had a right to the seat he then occupied, but if he left it and went out of the House any hon. Member might take it, and if it were given up it was as a matter of courtesy, not of right.

Sir *J. Easthope* was very sorry that what had transpired should have taken up any time of the House. He had not removed the hat of the hon. Member for Finsbury, and until that moment he was not aware that the hat belonged to the hon. Member. A gallant Officer then present took up the hat, and in place of putting it on his head he put it under the seat. The real fact was that the application made by the hon. Member for Finsbury was made in so peremptory and abrupt a tone that, much contrary to his wishes, he felt himself obliged to refuse compliance with it. He was sorry that the time of the House had been occupied with such a trumpery affair, but the tone used towards him was what he could not put up with.

Subject at an end.

EXECUTIONS FOR BURGLARY.] Mr. *Aglionby* rose to put the question of which he had given notice to the right hon. Baronet the Secretary of State for the Home Department—viz., whether in the year 1841, there had been any executions for offences of burglary attended with personal violence, or whether, as in preceding years, sentence of death in such cases had always been commuted for transportation? Since the passing of Lord J. Russell's bills in 1837, by which our criminal code was materially mitigated, although by the strict letter of the law death was still the punishment for the crime of burglary, accompanied by riot or personal violence, yet he believed down to the year 1841, although several convictions for that crime had taken place, that the sentence in every case had been commuted to transportation for life. He wished to know whether the same practice had been continued during the last year.

Sir *J. Graham* said, the hon. Gentleman was perfectly correct in his statement of the change which took place in our criminal code in the year 1837, by which the punishment of death was taken away from the crime of burglary, except when accompanied by personal violence. The following was an account of the number of convictions which had taken place since the alteration in the law. In 1838 there were three convictions for the crime of burglary accompanied by personal violence, in each of which the sentence of death was commuted to transportation for life. In 1839 there was one conviction, the sentence being commuted in like manner; in 1840 there were thirteen convictions, the sentence in each case being commuted to transportation for life; and in 1841, to which year the hon. Gentleman's question referred, but the returns in respect to which had not yet been presented, there had been more than one conviction, but no execution had taken place for the offence. In short, since the passing of the law there had been no fewer than twenty convictions for this offence, but not one execution.

METROPOLITAN ROADS.] Mr. *Borthwick* after presenting a petition from Notting Hill and Kensington, complaining of the want of lights in the metropolitan roads, rose to bring forward the motion of which he had given notice, for leave to introduce a bill to enforce the better lighting of the metropolitan roads by the respective parishes through which they pass. He said, that he thought the present bill called for in consequence of railroads having diminished the tolls on the ordinary roads to such an extent that the commissioners had no longer the funds sufficient for repairing and lighting the roads. Accordingly the commissioners, on the 24th of May last, had given notice to the respective parishes that they would not continue to light the roads beyond the 29th of September following. Several parishes had taken the charge on themselves, but there was still a number of parishes in which two-thirds of the rate-payers had not come to the same agreement, and the consequence was that these parishes were left during night in a state of darkness and danger. In his opinion the parishes through which the roads passed, and not the passengers, ought to pay the expense, because the roads added considerably to the value of property in their neighbourhood. Not anticipating any opposition to his motion, he would merely state that he proposed to carry his purpose into effect by applying the provisions of the act 3rd and 4th William 4th, ch. 90, making it compulsory on those parishes to light the roads according to the provisions of that act, and that the inspectors should be empowered to call on the overseers of the poor to make a rate for that purpose.

The *Speaker* asked the hon. Member if he proposed to levy a rate on the several parishes?

Mr. *Borthwick:* Uundoubtedly, under the provisions of the 3rd and 4th William 4th.

The *Speaker* said, that the bill in that case would be partly of a public and partly of a private nature, and the hon. Member would therefore have to give the notice required to be given in cases of private bills.

Mr. *Borthwick* bowed to the decision of the Chair. With the consent of the House he would withdraw his motion, and give the proper notice.

Motion withdrawn.

POWER OF CORONERS.] Captain *Polhill* in moving for leave to bring in a bill to empower county and all other coroners to admit of bail in cases of manslaughter, said, that if the respectability and legal knowledge of coroners were generally not such as to justify the placing of such a responsibility into their hands, it would be a fair ground of objection against his bill; but as their respectability and legal knowledge were such as to justify him in seeking to give them that responsibility, he hoped no opposition would be offered to it. The hon. Member entered into a statement to show the great antiquity and respectability of the office, and the great consideration in which that office was held in former times. With respect to the crime of manslaughter, it consisted of various degrees of criminality. Manslaughter was defined to be the killing of another without malice expressed or implied. A case had come under his notice at the last Bedford Assizes, which he considered one of great hardship. It was the case of an individual who had committed manslaughter on his brother, and who had been in prison for seven months before his trial came on, because the coroner had not the power to release him on bail. Another case of the kind occurred at the Huntingdon Assizes, in which a man had been imprisoned for thirty-two weeks before his trial came on, because the corner had not the power to take bail for his appearance. It might be said that there was a remedy for this, either by *habeas corpus* or *certiorari;* but his answer to this was, that that course was both inconvenient and expensive. The hon. Member concluded by moving for leave to introduce a bill to empower county and all other coroners to admit of bail in cases of manslaughter.

Sir *J. Graham* said, it was not his intention to oppose the motion of the hon. and gallant Member; but he wished to call the attention of the House to the bill which the hon. Member proposed to introduce, and which involved considerations of great importance. The hon. Gentleman rested the necessity for his measure upon one or two particular cases of great hardship which he had mentioned. He must remind the House, that the offence to which the motion of the hon. Member referred was next in magnitude to a crime of the deepest dye; the distinctions between manslaughter and murder were extremely nice; and great discrimination was frequently required in distinguishing between the two offences. He did not wish to speak disparagingly of the office of coroner, or of the gentlemen by whom that office was held; but he certainly considered it a great advantage, as the law now existed, that the coroner, whose duty it was to sum up to the jury the evidence adduced before him, and who might be influenced by a particular bias, should not have the power of granting or refusing bail in cases in which it might be demanded. As the law now stood, a person charged with murder or manslaughter could not obtain his liberty without having his case investigated by its removal by *habeas corpus* before a judge. He would not now enter into the question; but he wished it to be understood, that although he did not oppose the introduction of this bill, he was not prepared in its future stages to give it his assent.

Mr. *Wakley* said, coroners did not ask for the power which the bill of the right hon. and gallant Member proposed to give them. It would, indeed, be attended with some convenience in a public view; but it would add considerably to the duties of coroners. By an act of William and Mary, coroners had the power of taking bail; but in 1824, when an alteration was made in the law, this power was inadvertently lost.

Leave given.

Poor-law Unions.] Captain *Pechell* moved for a return of the Poor-law unions, distinguishing the county of each to which no order has been issued by the commissioners prohibiting out-door relief to able-bodied paupers. In consequence of the silence of Government with respect to the period at which they proposed introducing the Poor-law amendment Bill, and to their intentions as to those places where the Poor-laws were administered under local acts and Gilbert unions, he was desirous of obtaining the returns for which he had moved, in order to show that uniformity of practice had not prevailed in the Poor-law unions. It appeared, that in many unions no order had been issued prohibiting out-door relief, and therefore there was an end to the assertion, that the laws had been fully carried out in those districts, and it was singular, that there was scarcely an union in Cumberland where the prohibitory order was in force. The Poor-law commissioners had done all in their power to induce the guardians in parishes incorporated under the Gilbert Act voluntarily to dissolve their unions; and it appeared to be the intention of Government to provide in the new bill for the repeal of that Act. He thought, therefore, that the House ought to be put in possession of all possible information on this subject. When he last addressed the House on this question, he had endeavoured to show, that the administration of the Poor-laws in parishes incorporated under the Gilbert Act, as well as in towns possessing local acts, had been extremely efficient; and he thought, that before the Government ventured to propose measures for the dissolution of the Gilbert unions, and for bringing them under the power of the Poor-law Commissioners, some good and valid reasons should be shewn for such a change. When this question was formerly before the House, he had referred to certain transactions that had taken place in the county of Sussex, and had created a great sensation in that part of the country, and which were not likely to induce parishes in which the administration of Poor-laws was conducted under the Gilbert Act to place themselves under the authority of the Poor-law Commissioners. He made his statement on the authority of Mr. Brooker, a gentleman well known in the county of Sussex, and who was now a candidate for the representation of Brighton. An hon. Member (Mr. Darby) said, that he ought to have ascertained the truth of Mr. Brooker's assertions; but, as he gave the House his authority, he thought such a course was unnecessary. The case to which he alluded was that of a man named Smith, who had been employed by the guardians of the Eastbourne union in breaking bones for the purpose of making manure; and he might here observe, that he would, on a future occasion, call for an account of the nature and produce of this system. The man Smith had, owing to the unhealthy character of the employment, been reduced to the last stage of illness; and the following was his own evidence on the subject:—

> "Whenever there have been any bones, I have been constantly placed in the bone-house. The bone-house is seven or eight feet wide, by fourteen feet long. There was a dreadful smell when the bones were broken. If I had stopped longer in the bone-house I should not have come out alive. My illness has, no doubt, arisen from it."

Mr. Brooker, in consequence, accused the guardians of the Eastbourne Union of rendering themselves open to the charge of moral and constructive murder; and called upon the guardians, if they thought his imputations libellous, to give him an opportunity of meeting them in a court of justice. Mr. Brooker had instructed him to say, that he was quite prepared to support the assertions contained in his pamphlet, and that if it was deemed desirable to ascertain the truth of the charges he had made against the guardians, he was ready to meet such an investigation. Mr. Brooker said, that the accusation brought against him by an hon. Member of this House, of having grossly libelled the guardians of Eastbourne, was most unjust and uncalled for, as he had distinctly challenged the guardians to afford him an opportunity of proving the truth of the charges he had advanced. Mr. Brooker stated, that he did not wish to retract any of the assertions contained in his pamphlet; and he added—

> "I now renew my charge of moral and constructive murder against the Eastbourne guardians,"

expressing his readiness to prove the accusations he had made. Mr. Brooker had addressed a letter to him, dated April 12, in which he stated, that he had just learned that the Poor-law Commissioners had transmitted an order to the guardians of the Eastbourne union, directing that an increased quantity of meat should be allowed to the paupers; and he was happy to think, that his allusion to this case might have led in some measure to the issuing of such an order. He considered, it was necessary that some investigation should be instituted in the Eastbourne case: for, with such instances before them, the inhabitants of parishes under the Gilbert Act would not be very willing to surrender their affairs into the hands of the Poor-law Commissioners. He hoped, that if the right hon. Baronet opposite (Sir J. Graham) made any observations on this subject, he would state at what period it was the intention of Government to introduce the Poor-law Amendment Bill. He was aware that considerable time must elapse before the Income-tax and the tariff passed through that House; but, as many hon. Members had given promises to their constituents to support very extensive and important improvements in the Poor-law, he thought it was desirable those hon. Gentlemen should have an early opportunity of redeeming their pledges.

Mr. *Curteis* said, that he had recently travelled by coach with the chairman of the Eastbourne board of guardians; and in the course of a conversation respecting the statements made by the hon. and gallant Member on a former occasion, the chairman authorised him to say, that the board of guardians were most desirous that a searching inquiry should be instituted into their proceedings. He did not wish to be understood as giving any opinion on the pamphlet of Mr. Brooker; but he thought it was but fair to the guardians that a full investigation should be instituted into their proceedings generally, and especially into the case of W. Smith.

Sir *J. Graham* said, it was not his intention to oppose the motion of the hon. and gallant Member, nor would he go into the subject of the unfortunate quarrel which had been brought under the notice of the House. With respect to the question put to him by the hon. and gallant Member, he begged to say, that it was his intention to ask for leave to introduce a bill for continuing the Poor-law commission, with certain amendments, and, as he thought, improvements; but he could not, at the present moment, name the precise time at which he would bring forward the measure. He would, as speedily as he was able, give the gallant Member a more specific answer. He begged to suggest, as an addition to the motion of the hon. and gallant Member, that returns be also made of those unions to which orders have been issued by the commissioners prohibiting outdoor relief to able bodied paupers.

Captain *Pechell* said, that he was very well satisfied with what the right hon. Baronet had just stated. He wished at the same time to observe, that he had made no charge whatever against these Poor-law guardians, but had only made the statement as he had heard it. Mr. Brooker had placed the pamphlet he had referred to in his hands, and it appeared to him that if those practices did exist which were complained of, an inquiry should be instituted for the purpose of testing the truth of the whole matter. He had no doubt, that if an inquiry had been instituted, satisfaction would be afforded to all parties who felt themselves aggrieved.

Motion as amended, agreed to.

CHURCH OF SCOTLAND.] Mr. *A. Campbell* moved for leave to bring in a bill to regulate the exercise of church patronage in Scotland. As he understood no opposition would be offered to his motion, he would not trouble the House with any observations.

Sir *J. Graham* could not allow a bill on so important a subject to be introduced in perfect silence. Her Majesty's Government would not offer any opposition to the motion of the hon. Member, but he did not wish it to be supposed that Government were prepared to legislate on this important question. At the same time, when an hon. Member who had bestowed so much attention on the subject, and who was so competent to grapple with its difficulties, tendered a legislative measure to the House on a question in which the feelings of the people of Scotland were so deeply interested, it was not the intention of Government to oppose the introduction of the bill.

Sir *A. L. Hay* said, after what had occurred previous to Easter, he was glad the Government was prepared to consent to the introduction of the bill of the hon. Gentleman.

Bill brought in and read a first time.

Leave given.

Colonial Passengers Bill.] Upon the motion, that the House resolve itself into a committee upon this bill.

Lord *Stanley* said, that he took the liberty, inasmuch as there appeared to be only one question upon which any great difference of opinion was likely to arise, of asking the hon. Member for Lambeth, who had given a notice upon this subject, whether he would allow this bill to pass *pro formâ* through a committee, and postpone the discussion that must arise upon his motion to the bringing up of the report. This course he was most anxious to have followed, as it would greatly facilitate the business of the House.

Mr. *Hawes* expressed his willingness to accede to the proposition of the noble Lord.

Mr. *Borthwick* said, he had also given a notice of motion upon the subject, and he was equally willing to meet the noble Lord's wishes.

Bill then went into committee *pro formâ*.

Lord *Stanley* said, he wished it to be generally known that the bounty on emigration to New South Wales was for the present suspended, partly because the last accounts contained representations that emigration had been over-done this year. A certain number of persons might yearly be absorbed into the population of the colony, but no less than 25,000 persons had emigrated this year, and the result was, that even of those who had already emigrated there might be considerable difficulty in some of them finding employment.

The House resumed.

Report to be received.

Australia and New Zealand.] Lord *Stanley* moved the Order of the Day for the second reading of the Australia and New Zealand Bill. The noble Lord said, the object of the bill before the House was to regulate the sale of land in the Australian colonies, so that one general principle might be applied to all of these colonies, instead of leaving them in their present state of uncertainty. He had been asked why he did not apply the same doctrine to the Cape of Good Hope? He had stated that there were 34,000,000 of acres of land at the Cape unappropriated, and had inquired why these were not sold and the proceeds applied to the purposes of emigration. He (Lord Stanley) believed that the total number of acres unoccupied, and belonging to the colony, was between forty and fifty millions. The hon. Member (Mr. O'Brien) did not, however, appear to be aware that there were immense tracts of barren land, which, for want of water, were totally unavailable for the purposes of cultivation, and the fertile land was scattered here and there in small patches. The total quantity of land in the colony was estimated at 83,000,000 of acres, and that of 43,000,000 or 44,000,000 of acres had been appropriated, and of the remainder there were not more than from 2,500,000 to 3,000,000 of acres of fertile land—there being nearly 40,000,000 of acres absolutely unavailable. Now, the attempt to undertake a survey of that land on the same principle as had been applied to Australia would be altogether futile. If such a system were attempted to be put into operation at the Cape, the result would be that the expense of the survey would infinitely more than cover the amount of the value of the land. He believed that the reports of those best competent to form an opinion upon the subject were, that the colony was altogether inapplicable to the purposes of emigration, and it certainly was not the intention of the Government to recommend it, so far as regarded the Cape of Good Hope. With regard to the principle upon which emigration was regulated in the Australian colonies, the House was aware that the Government pledged itself to apply 50 per cent. of the proceeds of the land sales to that purpose; but it certainly was not their intention to give encouragement to those great projects which they heard of every day of raising one or two millions of money by absorbing the whole of the land fund for the next twenty or thirty years, for the purpose of forming at once a great stream of emigration into the colony. The hon. Gentleman wished to know whether it was the intention of the Government to draw any distinction between Protestants and Roman Catholics in their selection of emigrants for the Australian colonies? Now, he, on behalf of the Government, begged to repudiate such an intention altogether, and so far as he had anything to do with the colonial emigration fund he should never sanction any such distinction. What he looked to alone, was the great want of labour in the colony, and his object would be to select emigrants from that class whose habits of life, health of body, and age, would make them useful and valuable inhabitants of these colonies. He should look to their bodily qualifications and good character, but for one single moment he should never inquire whether the parties were Protestant or Roman Catholic, and repudiated such a principle altogether. With regard to what had been said by the hon. Gentlemen respecting New Zealand, he should state in a few words, why the governor had not encouraged emigration to the middle island and Banks' Peninsula. Although the French had made some small settlements in New Zealand, the Crown claimed sovereignty over the entire, and recognised no claim to sovereignty or right on the part of any other power. Some of the settlements had taken place in the most irregular and disorderly manner, and it was that circumstance which had compelled the Government to take upon itself the sovereignty of the entire colony of New Zealand, for the purpose of adjusting these claims. The first thing to be done was to investigate these claims and a commissioner had been accordingly sent out, who was at the present moment engaged in that investigation, and it was going on most systematically and sedulously. Under these circumstances, it was thought unwise to encourage what had been complained of over and over again, namely, the scattering of the colonists over a great extent of country, by which their labours would be to a great extent rendered unavailing. It was thought much better to confine the settlement to those districts where the claims had been recognised than to permit the occupation of distant and widely-separated tracts of land, involving the necessity of distinct establishments, and the governor had accordingly directed that the settlement should be confined to the northern and not to the middle island. It was true the New Zealand Company had settled their second colony on the middle island, but it had been done by no means under the directions or at the wish of the Government. With regard to the financial affairs of the colony of South Australia, they were at present under the consideration of the Government, and it was his (Lord Stanley's) intention very shortly to move for leave to bring in a bill to regulate the civil government of the colony, and until that was done, while the question was under the consideration of the Government, he trusted the hon. Member would not press for any further information on the subject. He believed he had answered all the questions of the hon. Gentleman, and he begged to thank him for affording him the opportunity of explaining the views of the Government on the subject.

Mr. *G. W. Wood* gave his cordial assent to the second reading of the bill, which was founded on the report of the committee of last year.

Bill read a second time.

EXCISE DUTIES.] On the motion of Sir G. Clerk, the House went into committee on the Excise-duties (compounds and wasted malt). The hon. Baronet then proposed—

'That the several Countervailing Duties and Drawbacks now payable on the several Mixtures, Compounds, Preparations, and Commodities, made from or with Spirits, after enumerated, when removed from Ireland into England or Scotland, or from Scotland into England or Ireland, or from England into Scotland or Ireland, do cease and determine; and that in' lieu thereof, there be raised, levied, and collected on the said several Mixtures, Compounds, Preparations, and Commodities, when removed from Scotland or Ireland into England, the respective Countervailing Duties of Excise following, and that there be granted and allowed on the removal of the same from England to Scotland or Ireland, the respective Drawbacks following, that is to say,

Articles Enumerated.	Countervailing Duties from Scotland or Ireland to England.		Countervailing Drawbacks from England to Scotland or Ireland.	
	s.	d.	s.	d.
For every Gallon thereof moved:				
Ether	10	5	10	5
Sweet Spirits of Nitre ..	6	3	6	3
Camphorated Spirits ..				
Lavender Water and other Perfumes, being Spirits Spirits scented with Essential Oils, Flowers, or other ingredients				
Compound Spirits of Lavender				
Spirits of Rosemary ..				
Spirits of Ammonia ..				
Salvolatile				
Friars' Balsam ..				
Compound Tincture of Benzoin				
Tincture of Assafœtida ..				
Tincture of Castor ..				
Tincture of Kino .				
Tincture of Guiacum ..				
Tincture of Myrrh ..				
Tincture of Ginger ..				
Spirit Varnishes ..				
Other Tinctures and Medicated Spirits ..	4	2	4	2
Made Wines .. .	0	6	0	6

Resolution agreed to, as were these also:

Resolved, That the Laws regulating the removal of the said Mixtures, Compounds, Preparations, and Commodities, be amended.

Resolved, That provision be made for regulating the preparing and using Roasted Malt in colouring Beer.

Resolutions to be reported.

House resumed.

Adjourned.

* * *

HOUSE OF LORDS,

Friday, April 15, 1842.

Minutes.] Bills. *Public.*—2ª· Indemnity; Public Works.

3ª and passed:—Forged Exchequer Bills.

Private.—1ª· Sir John Cass's Charity (Shaw's) Estate.

2ª· Nottingham Gas (No. 1).

3ª· and passed:—West Stirlingshire Roads (No. 1).

Petitions Presented. From Kilmoe, Balysonnon, Kilmon, Down and Connor, Kilcommon, Crosspatrick, and other places, for the Encouragement of Schools in connexion with the Church Education Society (Ireland).—From Ballynahinch, Ballydown, and Dungannan, that Marriages solemnized by a Presbyterian or Dissenting Minister between parties Members of the Church and Dissenters, or Presbyterians, may be Valid.—By the Duke of Buckingham, the Duke of Cleveland, and the Earl of Yarborough, from Cambridge, the Isle of Thanet, Horncastle, Caistor, and other places, against the Corn Importation Bill, and for Protection to the Agricultural Interest.—By Lord Campbell, from the City of London, against the use of Oaths.—From Kinalea, Ibawne and Barryroe, Fenagh, Wicklow, and Larne, against the Importation of Foreign Flour into Ireland.—From the Incorporated Carters of Leith, for the Abolition of the Tax on their Horses.—From Chipping Wycombe, Wooler, Darlington, and Kendal, against the Income-tax.—From the Sheffield and Bradford Mechanics Institutions, for Exemption from the Payment of Assessed and other Taxes and Rates.—From the Board of Guardians of the Poor-law Union of Downpatrick, for the Suppression of Vagrancy and Mendicity (Ireland).—From John Clarke, praying for Inquiry into certain obnoxious Doctrines now propagated by some of the Clergy of the University of Oxford.—From Kingston-upon-Hull, praying that the ancient right of Nominating Justices of the Peace in Boroughs may be restored to the Town Councils.

Forged Exchequer Bills' Bill.] The Duke of Wellington moved the third reading of this bill.

Bill read a third time.

Lord *Brougham* presented two clauses, of which he had given notice. They were taken from the 58th George 3rd, c. 91, and another act, and had for their object to give the commissioners powers to issue a certificate, which should protect witnesses who might give evidence that would otherwise criminate themselves.

The Earl of *Wicklow* feared the result of those clauses would be to prevent, perhaps, the punishment of guilty parties, who might put themselves forward at first and take the commissioners by surprise.

Lord *Brougham* said, the objection of his noble Friend was obviated by the fact, that no time was mentioned within which the certificate was to be granted, and that in fact the commissioners would have a discretionary power to grant or refuse a certificate according to circumstances, so that the party who presented himself as a witness would do so with the perfect knowledge of what might be the consequence.

Clauses with amendments agreed to.

Bill passed.

The Magistracy of Hull.] The Marquess of *Normanby* said, he felt bound to trespass for a few minutes on the attention of their Lordships, with reference to a subject of which he had given notice, and he felt the less scruple in doing so, because the question was one of considerable interest, not only to the community from which the petition he had to present emanated, but to several other corporate communities. This petition originated in the excessive addition to the borough magistracy of Kingston-upon-Hull, made at the conclusion of last year. Though he had received various communications from other corporate towns, he did not feel that it was necessary—in order to impress on their Lordships the dissatisfaction which the present course of the Government excited—to enter into details as to the grievances which those corporate communities complained of. He meant to confine his observations to the present petition, and to make one or two remarks on the returns which he had moved for, and it would be impossible to do justice to the case of the petitioners without casually alluding to them. This petition came from the mayor, aldermen, and burgesses of Kingston-upon-Hull. They stated, that from the reign of Edward 3rd to the passing of the Municipal Reform Act, they possessed the power of nominating their own magistrates. They stated, that in the interval of five years which elapsed between the passing of the Municipal Act and the past year, upon the single addition which was made to the borough magistrates, a communication was made to the council, and their recommendation required. They complained, that in the month of November last, without any previous communication with the council, they received an intimation that eight Gentlemen had been added to the commission of the peace, and they objected, as it appeared to him very reasonably, that a few months before this whole the number of twenty-four, which was stated to be the general limit of the magistrates by those who introduced the act, was complete. The petitioners concluded, that other communities were treated in a similar manner, and they prayed for some legislative remedy for what they considered a violation of the spirit of the Municipal Act. They did not say, that this proceeding was illegal, but he owned he agreed in their opinion, that it was an excessive and improper exercise of the discretion of the Crown. The number of borough magistrates was now thirty-two. He thought it unnecessary to impress on their Lordships, that such a number was greater than could possibly be required for the regular discharge of the duties of their station. Their Lordships must be aware, that a number of magistrates which would admit of speedy communication, was the best that could be adopted, particularly in the primary stage of legal proceedings. Such a large addition, too, must obviously cause irritation, when the cause of the addition, though not avowed, was well understood. The consequence must be an unnecessarily full attendance on days of business, and perhaps some differences of opinion. He did not merely object to the increase in the number of the magistrates generally, but also to the manner in which they had been appointed. He did not think that the names of the magistrates could have been selected by the right hon. Baronet at the head of the Home Department, for it was impossible that he could have had so much local knowlege of all the boroughs in the kingdom, as to have been able to nominate of his own knowledge, all the persons who had been added to the commission of the peace, but the right hon. Baronet must have got his information from political partisans. He objected, also, to the time at which these appointments had been made, namely, just after the termination of a general election, when party feeling ran extremely high on one side from triumph, and on the other from discomfiture. Why was it necessary to make this great addition to the magistracy in November last? The number of borough magistrates, previous to the passing of the Municipal Corporation Act, was about 650, and that number was kept up after the passing of that act, no great addition having been made until the end of last year, when 364 magistrates were added. He objected to such an addition to the magistracy at one time. He regretted, that the return laid on the Table was imperfect, as it did not contain a return of the borough magistracy for the county of Lancashire. He thought, that this was an improper omission. It appeared, bower, from the return before him, that 364 names had been added to the borough magistracy, and he would ask the noble Lord whether it were possible such an addition could have been required? In looking to this addition, it was desirable to look to the boroughs in which the addition had been made. There were several boroughs which did not return Members to Parliament, and in hardly any of these had any additional magistrates been appointed. It could not be said, that this arose from their insignificance, for in some of the smallest Parliamentary boroughs a great increase had been made in the borough magistracy. In the borough of Hull, where a great political triumph had just been gained by the party opposite, eight new magistrates had been appointed, and he had no doubt but that these gentlemen had taken an active part in the election. Again, in Bath, where the party opposite had been signally defeated, it was considered necessary to give some encouragement to their partisans, and therefore he presumed a great addition had been made in the number of magistrates. It was not the insignificance of a place which led to its being exempted from this addition to its magistracy, provided it was a parliamentary borough, for he found that in Buckingham, Great Grimsby, and Harwich, a great number of new magistrates had been appointed. Again, in Nottingham and Sunderland, in which places remarkable political contests had been carried on, a great addition had been made to the magistracy. He found that ninety new magistrates had been appointed in one day. With respect to the magistrates at Hull, the right hon. Baronet at the head of the Home-office, it might be supposed, might be influenced by feelings of personal consideration, in consequence of his former connection with the place; but he very much questioned whether, twenty years ago, the right hon. Gentleman with his strong political feelings, would not have held these eight gentlemen whom he had now appointed in abhorrence, in consequence of their political opinions. The petitioners also complained that the name of Dr. Alderson, one of the new magistrates, had been placed at the head of the list of magistrates. In complaining of this, they were informed that it was customary to place magistrates on the list according to their rank. They were not satisfied with this, but wrote up to the Herald's College on the subject of their respective rank, and they were replied to by Bluemantle, who informed them that the academical degree of doctor of medicine did not give a superiority of rank. The right hon. Baronet, when first applied to on the subject, said, that he knew nothing about the matter. There was, however, another doctor besides Dr. Alderson in the magistracy of the place, namely, Dr. Chalmers, the mayor of the town, and this gentleman had not been treated in the same way. There was also a knight on the list, namely, Sir William Lowthorp, who he should have thought would have been allowed to have stood high in the list, if rank was to be taken as the rule, but it appeared that the principle was not acted upon in his case. He did not know whether the introduction of any legislative measure on the subject, in either that or the other House, was likely to be attended with success; but he was satisfied, with the petitioners, if this system which had lately been acted on was to be persisted in, it would bring the appointment of borough magistrates into contempt.

The *Lord Chancellor* said, I confess, my Lords, I feel rather grateful to my noble Friend the noble Marquess for having called your Lordships' attention to this petition, because many observations have been made from time to time as to the manner in which the borough magistrates have been recently appointed; and, as the responsibility of these appointments rests with me, although, as my noble Friend has correctly stated, I have conferred with my right hon. Friend the Secretary of State for the Home Department as to the manner of filling up the commissions, I am desirous of satisfying your Lordships of the propriety of the course we have pursued. Now, my Lords, before referring to the general remarks made by the noble Marquess, allow me to direct your attention for a few moments to the corporation of Hull, from which this petition emanates, as an instance to satisfy your Lordships that her Majesty's Government have acted with most perfect correctness in these matters. When the Corporation Act was passed, and it became necessary to new-model the magistracy, magistrates were appointed, among other places, for the borough of Hull. Twenty-three magistrates were appointed. Did those persons who at that time made the appointments to which I refer exercise the prerogative of the Crown without reference to party or Parliamentary objects? Out of the twenty-three magistrates so appointed, four were Conservatives, and nineteen of the other colour in politics. I don't mean to say they were all precisely of the same party, but there were nineteen whom I might characterize as Whigs and Radicals—all of them steady supporters of the Government, the greater portion of them zealous, warm, eager, and active partisans. Such was the composition of that magistracy up to the time when the present Ministry came into power. Two of those whom I have designated Conservative magistrates never acted; one resided at a distance, and the other, from ill-health, was unable to act. The magistracy of the borough, therefore, was of one colour in politics—as I have described them—warm, zealous, active partisans. If the preceding Government followed the course I have pointed out, I ask your Lordships what course it was our duty to pursue when we came into office? I will tell you what we did. We added to the list of magistrates, as my noble Friend has stated, the names of eight persons of respectability, of character, of station, of weight, in the borough of Hull. No imputation is attempted to be cast on these appointments, founded on the characters of these individuals. They were Conservatives; and I ask your Lordships whether, considering the character of the bench as it existed up to that time, we were not justified in the course we pursued, whether, in short, it was not our duty to adopt it, and thus, in some degree, to dilute and soften that spirit of partisanship which up to that time existed in the borough? If any complaint is to be made, most assuredly it ought not to proceed from the noble Marquess and his Friends. It might rather have been expected to proceed from our own party, because, instead of doing that which we had the power of doing—appointing a number of magistrates to give us a majority, we only added eight, leaving two to one against the party we represented. Why did we pursue such a course? Because, my Lords, we felt that to act with temper, to act with moderation, to act with forbearance, was the best course that could be taken for the purpose of putting an end to party feuds and disputes, which ought never to display themselves on the bench of magistrates, nor influence the administration of justice, or the performance of any of those ministerial duties which belong to that class of persons. Now, I appeal to your Lordships whether we were not justified in the course we pursued; whether we could have pursued any other course, and whether it lies in the mouths of those (who had acted in the spirit of partisanship in appointing magistrates) to attack us, because we have attempted to dilute and temper their party conduct, and render it less offensive to the inhabitants of the town in question? But my noble Friend also stated, that we had done wrong, inasmuch as we had increased the number of magistrates to such an extent. The original number was twenty-three; two had since died, two had removed from the place, three never qualified; so that in point of fact the number was reduced to sixteen—all of one party. What was to be done? We added eight, making in all twenty-four, and leaving, as I before stated, two to one politically against us. My noble Friend has mixed up with this very serious subject a question which does appear to me somewhat ludicrous, namely, the rank and position of the persons named in the commission. Does he mean to say that the Government ever interfere with the arrangement of names in the commission? The names in this, as in every other instance, were, according to their descriptions, handed in to the Crown-office, and the officers of that establishment placed them in the commission according to the rank each appeared to possess by the return. Now, my Lords, having said thus much as to the borough of Hull, I wish, with reference to the general question, to point out to your Lordships and the public the course which the Government have pursued. Where they found in any particular borough or boroughs that there had been an appointment of magistrates exclusively of one class, or a great majority of that class, they acted as they did in the borough of Hull—adding a small number of Conservatives for the very purpose I have stated, but always carefully abstaining to add such a number as, to use a common and vulgar phrase, to swamp the existing commission. We wished to act moderately, to show the power we possessed, but at the same time not to show it so as to give offence to the other party—to evince, in short, a disposition to be moderate, to prove that we were desirous on our side of healing wounds, and reconciling differences, in the hope that moderation on the one part might produce a corresponding feeling on the other. In no instance, I believe, can a case be mentioned where the power has been exercised for the purpose of giving a majority of Conservative magistrates in any one of the boroughs to which the noble Marquess has referred. Are we, then, my Lords, without authority for the principle on which we proceeded? I am desirous of directing the attention of the noble Marquess to an authority which I am sure he will be disposed to treat with the utmost respect. I remember myself the occasion to which I am about to refer. A noble Baron, now no more, for whom I personally entertained the greatest regard, and who had strong political Friends and attachments in this House, upon a discussion somewhat similar to the present, expressed himself in these terms—

> "The real responsibility of appointing magistrates rests with the Lord Chancellor, and it is the duty of that high functionary to recommend only such persons as he deems duly qualified to discharge the important duties reposed in them. I do not mean to impugn the motives or question the actions of men of any political party; but in common, I believe, with the great mass of the country, I think if men of one particular class alone are admitted to this important office, though justice itself

may not be corrupted, the administration of it may be subject to doubt and suspicion."

Now I take on myself to say that only in cases where there was a strong preponderance, and in some cases there was almost an exclusive colour of political opinions in the magistracy, did we think it right to interfere. My noble Friend who sits near the noble Marquess (Lord Melbourne) expressed himself upon the same occasion in these terms:—

"It is my opinion that there should be an admixture of the opinions of both parties."

It was upon that principle, my Lords, that we acted. We felt that, if possible, we ought to expel party spirit altogether from the bench, and the only chance we saw of doing that was, that persons of both political colours should be placed on it. The noble Marquess has referred to certain returns on the Table, for the purpose of showing that within a limited period a large number of persons had been added to the commission. I am unwilling to go into details or out of this particular petition, but as the noble Marquess has thrown out a challenge to me, I must beg your Lordships to recollect the circumstances under which her Majesty's Government acted in the situation in which they were placed; and I will cite a few instances for the purpose of justifying the course we have taken. My Lords, I confess it does appear to me most extraordinary that, after the course so long pursued by our predecessors in office, the noble Marquess should have brought forward a charge of this description, supported by such observations as he has made in presenting this petition to your Lordships. Take first the case of Yarmouth; there were nineteen magistrates appointed—one Conservative and eighteen violent political partisans of the other side. That is one instance, and a striking instance, of the course pursued by our predecessors in office. But the noble Marquess said they had consulted the town-councils and took their opinions. Now, I will instance to your Lordships the borough of Guildford; there was a majority of Conservatives in that borough, and the town-council were called upon to return the names of those who should be appointed magistrates. They did make a return, containing a majority of Conservatives corresponding to their own political character. What did the noble Secretary of State do? He appointed four magistrates—one Conservative and three Radicals. Is the noble Marquess then the proper person to come forward as he has to-night, and twit us with the partiality of our appointments to the magistracy? We felt it right to do what we could to correct the partiality of our predecessors; we showed our power in the fair exercise of the prerogative, because we would not be trampled under foot by our opponents; but, of all persons, the noble Marquess is the last man who should have complained of the course we have adopted. Take another instance, my Lords; take the case of Wigan; all the magistrates appointed by the last Government consisted of Whigs and Radicals without exception. The noble Marquess talked of acting upon the opinion of town-councillors. I will give your Lordships another case; Rochester was equally balanced, with two Conservatives and two warm supporters of the Government. The town-council sent up a list; but what was done by the Government? They appointed six of their own party, and no others, to the magistracy in that borough. That my noble Friend the noble Marquess, after this, should have had the face to make these charges against us, notwithstanding such a course adopted by himself, does greatly astonish me. But I will give your Lordships another instance—Coventry. The town and city of Coventry had twelve magistrates. How were they marshalled? My noble Friend the noble Marquess asks me how I know whether the parties appointed were Whigs, Radicals, or Conservatives. I will tell your Lordships. Of the twelve magistrates of Coventry, eight were on the committee of the Members who were returned by the party of the noble Marquess; the four others had no votes for Coventry, but they had votes for the county, and of these three voted for the Whig Member, and the fourth was the Whig Member himself; so that in this city of Coventry there were twelve of the Whig and Radical party magistrates. And what did we do? Not being disposed to imitate the course pursued by the noble Marquess, we contented ourselves with making one-third of the magistracy Conservatives. There is another instance—Leicester, in which nearly the same thing occurred; there were ten magistrates in Leicester, of whom nine voted for Ellis and Easthope So that your Lordships will perceive the more we pursue the list the more we find this system to have prevailed. In Plymouth, returning two Members, who had constantly supported the Government, there were only seven magistrates; five voted in the county for the noble Secretary of State, and but one, I believe, was a Conservative. In Bristol there was a great desire to get rid of all feuds and divisions with respect to the appointment of magistrates, and what course was pursued? Twelve names were returned for one party, and twelve for the other. But what was the result? Were those twenty-four appointed? No. Lord J. Russell appointed twelve Radicals and six of the other party, giving himself a majority of two to one, directly the reverse of what her Majesty's present Government had done. Now really, after this exposition, can your Lordships, can the country, be surprised that to a certain degree we attempted to remedy this state of things? Where five or six magistrates were of the opposite party we added two or three; where there were sixteen or eighteen we added eight; and, in running through the list, I do not believe you will find any instance in which the number we added was equal to that formerly in the commission of the other party. For the due exercise of this prerogative of the Crown I certainly consider myself responsible. I communicated, as I before stated, with the Secretary of State, and endeavoured to obtain from the best sources all the information we required. I feel confident that we selected those who from their station, character, and respectability would, but for their politics, have been placed in the commission by our predecessors; and I sincerely hope that the course we have pursued will not only be satisfactory to your Lordships and the country, but tend essentially to put an end to those feuds and animosities which when extended to the bench must interfere most injuriously with the due administration of justice.

The Marquess of *Normanby* said, that the noble and learned Lord had not dealt fairly with the case. In Guildford, for example, there was but one Whig magistrate, and, though an application had been made to him to appoint others, he had refused. The noble and learned Lord had been incorrectly informed, and as to all the cases he had mentioned, they had been discussed at the time, and all the appointments had been made at the recommendation of the town-councils, except at Rochester, where there was no town-council in operation at the time. The four or five cases which the noble and learned Lord had mentioned would not maintain his allegation. The late Government had applied for information to a public body, but the present Government had taken their information from private partisans of their own.

The Earl of *Winchelsea* was glad to find that the present Government had taken some measures to restore the borough magistracy to what it should be. As to Rochester, he had before stated to the House, and he stated again, that a more glaring abuse of power had never been committed by any Government. Both parties had been equal, and the late Government had appointed six persons, who were the strongest partisans of their own, to the utter disgust of the inhabitants. The noble Marquess would take nothing by his motion but an exposure of his system of partisanship.

Lord *Cottenham* wished to know what was the course about to be adopted in the appointment of magistrates. He wished to know whether the present Government would adhere to the course adopted by the late Government, of consulting the town council, or whether they were about to adopt another course for the purpose of obtaining information as to those they were about to appoint as magistrates? His noble and learned Friend had recently appointed 364 magistrates. Now it was totally impossible that these should have been nominated by him on his personal knowledge; he must have had some sources of information respecting these persons. The holder of the Great Seal must in such a case depend upon the information communicated to him by others. According to the former practice, there was a local authority, to whom reference could be made, and who must have a knowledge of the character of the individuals recommended. Was such a body henceforth to be consulted, or was his noble Friend to depend upon the information communicated to him by individuals, who, though well known to him, might not be known to others? He wanted to know which class of persons were to be consulted? a public body or private individuals? If that body were not to be consulted, if, in future, magistrates were to be appointed without referring to that body, the next question was, what authority was to be consulted? Was the Great Seal to be affixed to commissions on the information of such persons as might have access to the holder of the Great Seal—persons who might be actuated by the purest motives—who might act most properly in the advice they gave, and the information they tendered, but still who had no responsible character to which the public could look, and judge as to how they performed that duty? His noble and learned Friend must, indeed, have a most extensive acquaintance with the inhabitants of the boroughs, if upon his own knowledge he appointed 364 magistrates. This was an impossibility, and therefore there were, it must be seen, only two ways in which the thing could be done. It must be done, either upon communication with the town-council, acting in the face of the public, and responsible for the duties they performed; or it must take place through those who chanced to have access to the holder of the Great Seal. Was the former practice to be acted upon or abandoned? That was a very important question, and to it no answer had as yet been given. His noble and learned Friend had gone through various instances of abuse; to do this, his noble and learned Friend must have had considerable assistance from various sources; but then it was to be observed, that what his noble and learned Friend referred to had occurred before 1836, and all these matters had been discussed before, and satisfactorily disposed of. In all the cases referred to by his noble and learned Friend, he could point but to two instances where the appointment of magistrates was at variance with the recommendation of the town-council. These were Guildford and Bristol. There were only these two cases; he had not now the information which would enable him to reply to them. By adopting the recommendations of the town councils who were chosen by the people, the majority of the magistrates in the towns were necessarily of the politics of the majority of the inhabitants. If they were to have a political character at all, he thought it was better that it should be that of the majority of the inhabitants than any other. No great evil could follow from this; for if the opinion of the inhabitants was consulted, then the town-council would recommend persons to be magistrates who were of their politics, and thus the evil, if it were one, would be corrected.

The *Lord Chancellor* referred to Cambridge. He thought his noble Friend did not mean to refer to individual cases.

Lord *Cottenham:* Yes; but his noble and learned Friend brought forward individual cases; and he was now endeavouring to answer them. He had no doubt of the statements made. They might be correct, or they might not. His noble and learned Friend possessed on this point advantages now, of which he himself was no longer possessed. For his own part, he did not know why there ought to be a different principle adopted as to borough magistrates, from that which prevailed as to county magistrates. The Lord Chancellor was responsible for both, and must in each case obtain his information from others. It had long been the habit in the counties to receive such information from the Lord-lieutenant. [The Duke of *Wellington:* From the Custos Rotulorum.] Yes, to receive information from the Lord-lieutenant in that character. The usual course was, to apply to the Lord-lieutenant; but that was only for information. The noble Duke, however, did not seem to concur with him. [The Duke of *Wellington:* Not entirely.] It was the duty of the Great Seal not only to take its information from the Lord-lieutenant, but it was also the duty of the Great Seal to exercise a discretion with respect to that information; and also to obtain information elsewhere, if that was necessary. How, then, was the Great Seal to act in boroughs, without some such assistance? There was no particular individual in the boroughs, like a Lord-lieutenant in the county, to whom the Great Seal could apply, but then there was a body established there who must be peculiarly qualified to know who ought to be appointed to the magistracy. Their efficiency was proved by the good opinion entertained of them by the inhabitants who had nominated them to the town-council. It was not his intention to say, that the magistrates ought to be nominated or elected by the town-council, though that would not be inconsistent with their ancient institutions. He did not mean that there should be in this measure a restoration of the ancient system, or an alteration of the existing system; but if they were not to have recourse to the town-council for information, to whom was the Great Seal to apply for that information? He wished his noble Friend to state whether the system hitherto pursued was to be adhered to for the future, or whether his noble and learned Friend would consider it more consistent with his duty, and for the ultimate welfare of the country, that the Great Seal should not make any reference to a public body, but take his information from the Secretary of State alone, who must have his information from that given to him by others of whom the public knew nothing?

Lord *Brougham* said, before his noble and learned Friend on the Woolsack answered this question, he wished to say a few words. He was glad the noble Marquess had broached this subject, for nothing could be more important than the selection of the local magistracy. His noble and learned Friend (Lord Cottenham) had reminded their Lordships of the course pursued in the appointment of county magistrates, and thought that a similar course should be followed with respect to borough magistrates. The course pursued by the Great Seal for a long series of years in appointing county magistrates, in order to secure persons respectable in regard to station as well as local knowledge for the commission of the peace, was to take the recommendation of the Lord-lieutenant, the Great Seal having the undoubted discretion to reject or adopt the recommendation; but, unless there was some reason for the rejection, the recommendation of the Lord-lieutenant was deemed sufficient. But it did so happen, that when he held the Great Seal, he heard one perpetual complaint from different counties of the course pursued in taking the recommendations of Lords-lieutenant. It was said, that the Lords-lieutenant were all Tories or next thing to it; that if he confined himself to their recommendations, all the magistrates in the country would be of one description of opinions, and during the four years he held the Great Seal he was besieged with these complaints about the county magistrates, and of his too much following the recommendations of the Lords-lieutenant, but especially during the first two years. In 1833, or the end of 1832, there was a new election, and he observed in some counties a more than ordinary number of recommendations from Lords-lieutenant to appoint persons justices of the peace. He cast about to consider why it was that at that particular time, December 1832, and January 1833, there should be such an activity in discovering the fitness of persons for the exercise of judicial functions, and so extraordinary a development of judicial capacity. He was bound to say, in no instance was a person recommended who was not fit and proper; yet it would appear that, but for the incident of the general election, he should never have heard a word of the fitness of those individuals for the magistracy. It was suggested, however, that he ought to inquire whether all such aptitude was concentrated in the individuals so recommended by the Lord-lieutenant, and he applied to several Whig Members, asking them whether they knew of any other fit persons, and whether they had any objection to those who had been recommended. The answer was, they had no objection to the persons recommended. "Can you suggest any others?" "Yes." He thereupon called on some Whig Members to send lists, which he communicated to the Lord-lieutenant for examination and objection, as he did the Lord-lieutenant's lists to the Whig Members; and he did not recollect that any one objection had been proposed of any weight, save in the instance of one person, objected to as being a manufacturer, conformably with the established rule not to appoint persons so circumstanced, for the obvious reason that they might be interested in disputes between masters and men on the subject of wages, and with that exception they were all appointed. He was aware that the course now pursued by his noble and learned Friend, with respect to magistrates in corporate towns, in some sort resembled that which he (Lord Brougham) had felt it his duty to follow with respect to county magistrates, on account of the preponderance of Tory magistrates, which he had been called on to balance by the addition of Whig magistrates. Now, he asked, could there be any objection to his noble and learned Friend, and his right hon. Friend the Secretary of State for the Home Department, adopting a course in reference to the borough magistrates somewhat similar to that which he (Lord Brougham) had adopted? They had the town-council, a body returned by a majority of the 10*l.* householders, and consequently representing not only property and respectability, but also in a great degree the political opinions of the borough. Could there be any objection, he did not say to be bound any more than they were bound in counties by the recommendations of the Lords-lieutenant, but to call upon the town-council to show cause, if any existed, against the proposed appointments; and if any cause were assigned and substantiated, to reject the individuals so recommended? He was perfectly aware that we were not living in that Utopian state of society in which it could be expected that all things would be done from a mere desire faithfully to discharge a public duty. He believed that party spirit at present more than ever animated and split, not only Parliament, not only the counties, but every borough in the kingdom, down to the most insignificant, and, therefore it must be vain to hope that magistrates would not be selected through the influence of political bias. It was most unfortunate—he deeply lamented it; he heartily reprobated it; he wished he could hope to live to see the time when this would not be the operating rule; but he admitted that, in the existing state of things, nothing would have surprised him more than that the late change of Government should have taken place without a considerable change in the borough magistracy. But still there was this objection to the present plan. There were some undiscoverable advisers, unknown suggesters, concealed nominators, of the persons proposed, while there was a corporate body known to the public, appointed by the public, called upon, capable of, and certain to perform the duty of discussing such nominations, whether they should be made to the Great Seal, or whether the Great Seal suggested them and called upon the town-council to state their objections. He by no means intended to say that they ought to be bound by the majority of the town-council. It was true, as his noble Friend said, that the council was chosen by the majority of the community; and he said that, generally speaking, it was better that the magistrates should hold the same principles with the majority than with the minority; but he considered that there was one point of great importance, and that was, to protect the minority against the majority; and if he could be quite certain that the disproportion was in the ratio of ten to one, that it constituted a just expression of public feeling, and that there was only that insignificant minority against it, he should say that all the more, on account of its insignificance, was it necessary to protect the minority against the majority, and to see that the latter should not have it all entirely its own way. He should only add that he thought his noble Friend was mistaken when he said, that the additions to the magistracy had been made chiefly in the Parliamentary boroughs, and that no additions had taken place in boroughs which were not Parliamentary. That was not consistent with what appeared on the face of the returns, for he found thirty-three Parliamentary boroughs where no magistrates had been added, and some of these being places where one might have expected additions to be made from political motives, such, for instance, as Leeds, Canterbury, Carnarvon, and Newcastle-under-Lyne, Ipswich, and Sudbury itself. [The Duke of *Wellington:* Perhaps there were no quarter-sessions there.] Oh! yes; there were old bodies of magistrates, but no additions were made.

The *Lord Chancellor:* The principal additions were made after the elections, except in one remarkable case—that of Birmingham,

Lord *Brougham* said, he was not attacking his noble Friend, but defending him against—not an attack—but an observation which would seem to imply that the appointments had been made after the elections, and principally in Parliamentary boroughs.

The *Lord Chancellor:* Look at that remarkable case of 1841, when eight magistrates were added in Birmingham.

The Marquess of *Normanby* said, with reference to the appointments made by the respective Governments, figures were stubborn things and could not be got over. In the eight months before he left office he appointed fifty-eight magistrates, while in seven months the right hon. Baronet had appointed 364.

Petition laid on the Table.

Adjourned.

HOUSE OF COMMONS,

Friday, April 15, 1842.

Minutes.] Bills. *Public.—3^{o}.* and passed:—Mutiny; Marine Mutiny.

Petitions Presented. By Mr. R. Yorke, Mr. Macaulay, Mr. Masterman, Mr. T. Duncombe, Mr. M. Phillips, Mr. Cowper, Mr. G. Wood, and Mr. Rutherford, from the city of York, from Edinburgh, Essex, Rutlandshire, Hertford, Manchester, Kendall, Leith, and other places, against, and from Robert Street, in favour of the Income-tax.—By Mr. Hardy, from Bradford, Clayton, North Byerley, and other towns in the West Riding of Yorkshire, for the Repeal or Alteration of the New Poor-law.—By Mr. Serjeant Jackson, from Kilcoe, Cape Clear, and other places, against the present system of National Education (Ireland).—From the Members of the Sheffield Mechanics Institution, for Exemption from Rates and Taxes.—From Henry Dowell, for Alteration of the Parish Vestries Bill.—From Hackney, and Builth, against further Grant to Maynooth College.—From James Elmes, for Improvement of the Area round, and Approaches to St. Paul's Cathedral.—From the Edinburgh and Dalkeith, and the Hull and Selby Railway Companies, for Alteration of the Railways Act.—From Leeke, for Rating the Owners instead of the Occupiers of Tenements.—From Southwark, and Lambeth, for the Adoption of Measures for affording Public Walks.—By Lord Sandon, from Liverpool, in favour of the new Tariff.—By Mr. Ferrand, from Devonport, for an Alteration of the Factory Act.—By Mr. Hawes, and other hon. Members, from the Boot and Shoemakers of Lambeth, Dartford, Drogheda, Dublin, Richmond, Plymouth, and many other places, against the proposed Reduction of the Import Duty on Foreign Boots and Shoes.—By an hon. Member, from Ormskirk, Denton, Lancaster, Salford, and Manchester, for the Repeal of the Corn-laws.—By Mr. H. Johnstone, from Dumfries, against the Importation of Foreign Cattle.—By an hon. Member, from Castle-street, Southwark, for the Redemption of the Tolls on Waterloo, and other Metropolitan Bridges.—By an hon. Member, from Northallerton, for the Repeal of the Stamp Duties on Attorneys Certificates.—From Birmingham, Duddeston, Kingston-upon-Hull, and other places, against the Buildings' Regulation (No. 2) and Boroughs' Improvement (No. 2) Bill.—From Swansea, and Carmarthen, against Transferring the Port of Departure of the Irish Mails from Hobb's Point to Bristol.—From the Master Wardens and Commonalty of Cutlers of Sheffield, for Reduction of the Duty on Foreign Iron.

Colonial Customs Duties.] Mr. *Labouchere* had understood that the Colonial Customs Duties Bill was to come on immediately after the Mutiny Bill, and he did not believe, that the latter would be protracted to so late an hour but that the former might be proceeded with that evening. If, however, the hon. Member for Chippenham intended to bring on some Ordnance estimates, as he had understood would be the case immediately after the Mutiny Bill, it would be hardly possible to enter with advantage on the discussion of the Colonial Customs' Duties Bill. All he wished was to know when the latter would be brought on.

Sir *R. Peel* said, he had been under the impression that a vote for the Ordnance was necessary, on account of the public service, but his hon. and gallant Friend the Member for Chippenham did not think that time was so pressing, and therefore that it would not interfere with the Colonial Customs' Duties Bill.

Mutiny Bill.—Flogging in the Army.] Sir H. Hardinge moved the Order of the Day for the third reading of the Mutiny Bill.

Bill read a third time.

On the question that the Bill do pass,

Captain *Bernal* said, that some apology was due to the House and to the country, that a subject which had been heretofore brought forward by men of considerable experience should now be brought under their notice by one who had so slight a claim to their attention as himself. He hoped, however, that he should have the support of hon. Members, who on former occasions, had identified themselves with the measure he was about to propose. The hon. Member for Chippenham, who some years ago, entertained strong opinions on the subject, had lately declared his intention to vote in favour of a clause for the mitigation of punishment. [Captain *Boldero*: No.] It was distinctly understood the other evening, that such was the intention of the hon. and gallant Member. He would put it to his hon. Friends on that (the Opposition) side of the House, whether their impression of what the hon. and gallant Member said, was not the same as his own. But he was about to add, that he hoped that the hon. and gallant Member, when he reflected upon the additional weight his present position under the Government must necessarily give to the subject, would not give a silent vote in furtherance of that cause which he was formerly so energetic and eloquent in supporting. He trusted, that the House would allow him to state, that prior to 1812 there was no limitation to the number of lashes that might be awarded by the sentence of a regimental or other court-martial. By a circular issued from the Horse Guards, dated the 25th of March, 1812, the number of lashes to be awarded by a regimental court-martial was limited to 300. In 1830, the number by a district court-martial was limited to 500. In 1832, that number was reduced to 300, and in the same year, the number by a regimental court-martial was ordered not to exceed 200; but in 1833, in consequence of the strong expression of feeling in that House, there having been a majority of only 11 in favour of corporal punishment, the numbers being 140 to 151, that punishment was, by an order dated Horse Guards, the 24th of August, 1833, limited to the following offences: first, for mutiny, insubordination, and violence, or using or offering violence to superior officers; secondly, drunkenness on duty; thirdly, for the sale of, or making away with arms, ammunition, accoutrements, or necessaries, stealing from comrades, or other disgraceful conduct. Finally, in 1836, the punishment was further limited; viz., by general court-martial, to 200 lashes, by district court-martial to 150, and by regimental court-martial to 100. Now, whilst no one would attempt to undervalue the great improvements which had taken place both in limiting the number of lashes and the crimes for which they were ifl,nicted he confessed, that his objections were directed not only against the quantum, but the nature of the punishment; because, in his judgment, it was totally inefficient to reform the man, as well as to deter others from committing similar offences. He quite agreed in a portion of the evidence that was given before the commissioners appointed in 1835, for inquiry into military punishments. In that evidence, Lord Hill was reported to have said, with reference to the mode of punishment that formerly prevailed, of fastening a weight to the leg, and which was abolished in 1830, that he objected to it because it was more fit for a beast than a man. He would ask the House whether those sentiments were not more applicable to the punishment of the lash than to the fastening a weight to the leg? He knew it might be said, with respect to that commission of 1835, that the report was conclusive against the abolition of flogging in the army. But he had studied that report with the best attention, and he fully coincided with the hon. and gallant Member for Chippenham in the opinion he had expressed upon it. That hon. and gallant Member, on seconding Major Fancourt's motion, in April, 1836, declared that the evidence contained in the report, "clearly proved the possibility of abolishing that mode of punishment in the army, without injury or disadvantage to the service." In that opinion, so ably expressed by the hon. and gallant Member, he fully concurred; but, at the same time, he was aware it would be said, that none but military men were competent to give a judgment on this point. Against that doctrine, he most humbly but decidedly entered his protest. Every page of this report showed that the commissioners had rather endeavoured to justify the existence of the practice than to institute a dispassionate inquiry as to what the practice ought to be. Having had the honour to hold a commission in the army, he must be sensible that military men were as humane and considerate as Members of any other profession; but the House would call to mind, that alterations in the received forms of discipline, had scarcely ever been popular with members of any profession. It was a matter of history that the judges had shown themselves as averse to the relaxation of the criminal code as the officers of the army to the abolition of corporal punishment. He considered it, and he thought the House would regard it as a rather curious fact, that in 1834, when the question was put by Lord Hill to 214 Field Officers:—

"Are you enabled to suggest any means of restraining or eradicating the propensity to drunkenness so prevalent among the soldiery, and confessedly the parent of the majority of military crimes?"

That out of the whole number only two or three suggested a moral and intellectual remedy for the prevention of that crime. Sir G. Arthur and the late Colonel Oglander were the only officers who proposed the schoolmasters' drill. Considering all that had been written and said on the subject, it was astonishing how little had been done to prevent crime in our army. During the last few years a new system of drill had been introduced; the clothing and knapsacks had been improved, and a better description of arms had been put into the soldiers' hands; much had been done to perfect the machine, little to improve the man. It was a libel on human nature to say, that instruction tended to render the soldier insubordinate. The teaching of morality, in connection with the sanction of religion never indisposed any man to the proper performance of his duty. He was aware that there were some hon. Members who held that in this case, "ignorance was bliss," but he would refer them to the gaol returns which had been within the last four days placed in their hands for the refutation of such an opinion. He found that in the Preston House of Correction out of 378 males and 94 females committed for felony, 230 males and 65 females were unable to read at all; 61 males and 19 females could read only; 73 males and 10 females could read and write ill; the other 14 males could read and write well, but of superior education there was none. In table 24 there were 140 males and 34 females quite ignorant and knowing nothing of religion; 220 males and 58 females ill instructed, and knowing nothing of the Scriptures, and only 12 males and two females well instructed. He looked upon that report as almost conclusive on the subject of education. It was not his intention to delay the House by allusion to the trite topics of the corresponding merits of the French or continental armies, because he believed that there were regiments of this country in which discipline was maintained without the use of the lash. He believed that the household brigade might challenge competition as to its internal economy. But there was a large body of men who were not included in the service upon the tenure of soldiers, and therefore not subject to be flogged. They were drilled after the manner of the regular troops, but were not subject to corporal punishment. He alluded to the Irish constabulary. Lord Vivian, in speaking of that force, said it consisted of 7,000 of the finest men on the face of the earth, and during the time he had been in Ireland he had never seen a drunken policeman. Why, then, should not the same principle that was applied to them be applied to the regular troops? The House would doubtless recollect that, by an order dated the 24th of February, 1835, the late Lord William Bentinck abolished the flogging of the native troops in India, and he begged hon. Members who were disposed to favour him with their support would bear in mind that Lord William Bentinck did that in direct opposition to the military commission which sat on the subject. Lord William Bentinck on that occasion said,—

> "There is an unanimous agreement in all the committees, that flogging, however degrading and injurious, cannot entirely be abolished. They do not even stop for a moment to inquire into the practicability of an adequate substitute. With them corporal punishment is the *sine quá non*, without which the discipline of the army cannot be maintained. I denounce this opinion as prejudice, because it is opposed to reason. Though I am not surprised at the opinion, I cannot forget that for many years, in conjunction with ninety-nine hundred parts of the officers of the British army, I entertained the same sentiments. It is only from my reflection and discussion that my own prejudice has given way. I now feel confident that this degradation will speedily disappear before a more reasonable and enlightened legislation even in the British army."

But no one would attempt to defend the practice of flogging upon its own merits. He was aware he should be told that unless he could propose an effectual substitute, it was impossible to maintain the discipline of the army without flogging? but did they find their present practice so efficient for the purpose? He thought also, that the system of recruiting might be revised with great advantage to the service. He naturally wished to fortify his argument by the authority of great names. He must, therefore, state, that Mr. Fox had declared that "enlistment for a life was unsuited to the genius of the British constitution." In 1806, Mr. Wyndham brought in a bill for the limitation of service, and said,—

> "That he thought by this means a better description of men would be induced to enter the army, and the better the men you get the less necessity for severe and ignominious punishment."

Lord Lynedoch and Mr. Wilberforce were also of the same opinion. In the report to which he had before alluded he found the following question put to Major-general Archibald Campbell:—

> "Did you not find that men enlisted for a limited service were men of the best character in your regiments?"

And the answer of the gallant Officer was,—

> "I did, and was always anxious to induce them to re-enlist; they came from a better class of society."

It might be said, that the present system of enlistment was perfectly voluntary. It could hardly be said to be so. Boys of sixteen were entrapped under the excitement of liquor, and deceived by the hopes of promotion held out to them by a recruiting sergeant. Could they wonder, that when a youth, entrapped in this manner, and enlisted for an unlimited period, found that those representations were false, and that he was enlisted for life, with only a shadowy hope of 6*d*. a-day at the end of twenty years, and then only if his conduct had been good—could they wonder, he said, that men thus entrapped into the service should become reckless and demoralized? Suicides, it was well known, were much more prevalent among soldiers than among those of the labouring population engaged in the avocations of civil life. He wished to engage the attention of hon. Gentlemen opposite to the question whether a greater number of commissions might not be allotted to men who rose from the ranks; and with all deference, but with firmness, he would state it as his humble opinion, that by limiting the time of service, and holding out a reasonable hope of promotion, it would be found possible not only to abolish flogging, but also to obtain a better description of men for the service. His ultimate object was the total abolition of corporal punishment, but in the clause which he was about to move, he had limited the abolition to a time of peace, and had retained the punishment for offences committed on a line of march for theft. On reference to the opinion of a number of officers, he found them unanimous in the opinion, that in those instances the practice must be retained. And on recurring to a speech of the noble Lord, the Member for Liverpool, (Viscount Sandon), he (Captain Bernal) found the noble Viscount expressing himself thus:—

"As one of the commissioners, he had given the subject the greatest attention, and he had come to the conclusion that it was not practical to carry on the discipline of the army on foreign service without the power of inflicting the punishment of flogging; but, with the exception of offences committed on a march, or stealing, he thought flogging might be dispensed with in the home service."

Without further detaining the House, he would conclude by moving to insert the following clause:—

"And be it enacted, that it shall not be lawful to inflict corporal punishment by flogging during the time of peace on any private soldier, corporal, or non-commissioned officer in the army or militia of the United Kingdom, save for offences committed on a line of march, or for theft."

Captain *Boldero* said, with reference to the assumption with which the hon. Member (Captain Bernal) had concluded his speech, he would beg to remind the House of a question that was put to him the other night, and of the answer he gave to it. An hon. and gallant Officer (Captain Howard) inquired of him whether he intended to bring forward his annual motion for the abolition of corporal punishment in the army, and his answer was, that he had no intention of bringing forward such a motion, but that if a motion to that effect were brought forward he should give it his support. The hon. and gallant Officer, in putting that short question, committed two errors: first, his motion was not an annual motion; and, secondly, it was usual, when an hon. Member was about to seek such information, to give some private intimation of it. The gallant Officer had overlooked that point, not, he supposed, with an intention to embarrass him, but no doubt with a view to the good of the service. With regard to his "annual" motion, in 1836 he seconded and voted for a motion for the abolition of corporal punishment in the army, but had he voted for a similar motion from that time to this? He said most distinctly and positively that he had not. [Capt. *Bernal*: In 1837 and 1838.] He repeated that he had voted once, and once only, for the abolition of corporal punishment in the army, and in support of his statement he referred to the records of the House and to *Hansard*. For what was Major Fancourt's motion in 1837? It was not a motion for the abolition of corporal punishment—that hon. Member shrunk from it advisedly—but for a committee to inquire into and report on the system of military punishment; for the hon. Member stated, that after having brought forward a motion for the abolition of corporal punishment without success, it would be in some sort trifling with the House if he troubled hon. Members for a repetition of their votes without bringing forward further evidence in support of his views, and to obtain that evidence he wished for a committee in order to ascertain if they could not find a substitute for corporal punishment. But what was his conduct in 1836, when on the following night Mr. Lennard, the Member for Maldon, gave notice that when the report of the Mutiny Bill was brought up, he should move that corporal punishment in the army should be abolished altogether? He then said, that

"No one had a greater desire to carry out the object of the motion of the hon. Member than he had, or entertained a greater horror of corporal punishment than he did, but after the fair discussion that had taken place on the subject last night, and the promises of the Government, he conceived that a great boon had been achieved"—

For it was a great boon to obtain a remission of 100 stripes, the number in a district court-martial being reduced to 200, and in a regimental court-martial to 100; and he added, that

"He had considered the subject to-day, and consulted several military men, whose opinions were in unison with his own, and they all thought, after the fair promises of the Government that a system of rewards should be introduced, it would be injurious to the service for the hon. Member to press his motion."

He had, therefore, asked the hon. Member not to bring forward his motion, and when it was brought forward he left the House and refused to give his vote. And what was his course in 1838? Did he then take on himself the responsibility not of bringing forward a motion for the abolition of corporal punishment? No;—for it having been stated by Mr. Cutlar Ferguson, the judge-advocate, that he considered it to be the duty of those who brought forward such a motion to find a substitute for flogging; and by the Secretary at War, that if such a motion were carried, they had better disband the army;—when these Gentlemen made such statements, must they not have had great effect upon him—and must he not have been a bold man had he not shrunk from the responsibility of proposing to abolish corporal punishment in the face of that statement? They had great effect upon him; and to show what was that effect, in 1838 he took on himself the responsibility, on the passing of the Mutiny Act, of bringing forward a motion, not for the abolition of corporal punishment, but for a select committee to inquire into and report on the state of military rewards and punishments; and he stated, that in a judicious system of rewards and of solitary confinement he thought, perhaps, they might find a substitute for flogging. On that occasion he alluded to General Evans, then just returned from Spain, and told General Evans that

> "He expected to have his vote, especially as he intended to limit the inquiry to the possibility of finding a substitute for corporal punishment on home service and in time of peace."

And yet this was called a motion for the abolition of corporal punishment. He said further, that

> "The hon. Member (General Evans) having been in command since he gave his vote in the House had, as he understood, carried flogging to a great extent in Spain, having, perhaps, found it impossible to do without it in the presence of the enemy,—

And he begged the attention of the House to this—

> "that he had found himself obliged to retract somewhat his former opinions on the subject in deference to the opinion of the gallant Officer."

From the year 1838 to the present time he had allowed the Mutiny Bill to pass without any motion on the subject, so that during the ten years in which he had had an opportunity of voting against military flogging, he had only done so once, and brought forward two motions with a view to find a substitute, stating at the time, that in consequence of what had taken place, he had retracted his opinions. He had now given a plain and unvarnished statement of his conduct, and he would only detain the House further, to say, that the vote he was about to give he should give with perfect confidence, and that whatever change had taken place in his opinions, had taken place while he sat on the other side of the House.

Captain *H. Howard* (Cricklade) said, that he believed there was no power less abused or more mercifully exercised, than that possessed by a court-martial; and were he asked before what tribunal he would prefer to be tried, he should answer one composed of naval or military officers. He had otherwise come to the conclusion, but the opinion of the first soldier of the age of the necessity of flogging in the army had decidedly strengthened his opinion.

Sir *H. Douglas* said, that having just returned from the command of her Majesty's forces on a foreign station, which he had held for many years, and having had under his command a large proportion of the infantry of the British army, he could not give a silent vote upon this subject. His vote would be founded on the experience he had had, and on the sincere and solemn conviction, that the mode of punishment under discussion could not be dispensed with, with safety to the British service. It was not without doing great violence to his own feelings, that he delivered that opinion; but it was consolatory to him to reflect, and to be able to state to the House, who no doubt would reject the motion of the hon. Member, that this objectionable punishment was by degrees becoming less frequent, and that in proportion as the moral character of the soldier should be raised, and his habits of providence and self-control increase, the punishment might, at some future period, fall into entire disuse. Looking back at his own career, he acknowledged the frightful extent to which the punishment had been used in the earlier days of his service, an extent which it made him shudder to think of; but he thought, seeing all that was now done to improve the character of the soldier, and the restrictions on the punishment, both as to its infliction and the quantity, there were lines converging, which somewhere or other must meet. By the 252nd regulation of the articles of war, the infliction of corporal punishment was limited to the offences of mutiny, insubordination, or using or threatening violence to a superior, drunkenness on duty, theft, disgraceful conduct, and selling or making away with arms and accoutrements. No general officer was allowed to confirm the sentence on the first conviction, and he seldom did it afterwards, except in aggravated cases. He could safely say, that when the result of a court martial was reported to him, it was with great pain and reluctance that he had confirmed the sentence and ordained the punishment, and that he had never done so except under the conviction that it was necessary for the interests of the service. He would, therefore, entreat the House to leave the subject where it was—to the humanity of the officers of the army, the admirable regulations of the service, and the attempts that were being made every day to raise and improve the moral condition of the soldier. With respect to the clause before the House, he must protest against the proposition, that they should subject the British soldier, who was fighting the battles of his country, to a punishment more odious than was inflicted in the time of peace, which he said would be a most dangerous distinction. The hon. and gallant Member had by his motion proposed to limit flogging in the army to offences committed on a line of march, but he did not know what extent of actual service the hon. and gallant Member had seen which would have entitled him to claim the ability to distinguish between the gravity of a military offence committed on a line of march, and of one committed in garrison or on parade, or in what way the hon. and gallant Member was qualified to pronounce upon the greater detriment or danger to the discipline of the service which was involved in the one to the extenuation of the latter. All he could say was, that in his opinion the distinction, if established, would be a most dangerous one, and fatal to the discipline of the army. The hon. and gallant Member had not specified in his motion whether he would continue to punish drunkenness according to the present code, although he had stated it to be his opinion, that this crime was the worst of any that a soldier could commit, as it was the parent of all others. He had also left stealing and making away with ammunition out of his code of corporal punishment, although there was not an offence more dangerous to the service than that of a soldier making away with his arms or ammunition. He would not take up the time of the House by entering into any further details or arguments. He hoped, that whilst he expressed his determination, founded upon the experience of a long service, to vote against the motion of the hon. and gallant Member, the House would give him credit for the regret which he felt in being compelled by what he knew of the discipline of the army to advocate the punishment of flogging, and at the same time believe, that he would continue to look with sharpness, humanity, and reluctance to punish for all cases of flogging, which might hereafter come before him.

Mr. *Macaulay* said, that were he disposed to do so, he, of all his late Colleagues in office, could vote with the most perfect consistency in favour of the motion of the hon. and gallant Member, for during the time that he at least had held the office of Secretary at War, the question of flogging in the army was never once mooted. But the question was one of those peculiarly painful topics of inquiry, and upon which the evidence was of so peculiar a nature, that noble Lords or right hon. Gentlemen who had held the office of Secretary at War, and who had obtained the information respecting it, which was only to be acquired in that post, had invariably been compelled by the facts which came to their knowledge, to take their share of the unpopularity which attached to its infliction, and at the hazard of losing their character for consistency to vote for its continuance, notwithstanding any former declarations against the practice. The inquiry that had been instituted into the practice of flogging in the army had terminated in regulations that had confined the legal infliction of that punishment to as narrow a limit as was consistent with the safety of the discipline of the army. For his own part, he was disposed to say, that the actual infliction of flogging ought to be confined to much narrower limits than even the law permitted; but with the knowledge which he had acquired with respect to the facts attendant on this punishment, and after having had the opportunity, which he had availed himself of during the period that he was Secretary of War, of acquiring information on the subject, he must say, that he did not think the practice could with safety be relinquished. The only way to diminish the chances of its infliction was by elevating the moral character of the soldier, and by giving him intellectual enjoyments, which would tend to diminish the chances of his resorting to degrading or unsoldier-like habits or faults. As it was, he should vote against the motion of the hon. and gallant Member, and he should have done so, had it been brought forward last year. There was another question that had been incidentally mooted in the course of the observations of the hon. and gallant Member, which was the consistency that had been displayed by the hon. and gallant Member for Chippenham. The recollection which he had on the subject, was not in accordance with the course which the hon. and gallant Member had expressed his intention to pursue on the present occasion; for, in referring to a record of the debate on this subject, which took place on the 26th of March, 1838, he found the following words attributed to the hon. and gallant Member:—

> "He (the hon. and gallant Member) called upon the House to abolish this barbarous and brutal torture, and to show to the continental nations that the British soldier could discharge his duty with equal fidelity under the impulse of more ennobling motives than that of terror."

The hon. and gallant Member was here found exclaiming against the practice of flogging in the army, and calling upon the House to abolish a punishment so brutal and barbarous. He considered those expressions to be more than equivalent to any vote that could have been given in favour of the motion, and the effect which he attributed to them was confirmed by the reply which the hon. and gallant Member made to the observations of the hon. Member for Lambeth, during the course of the debate on the same evening, wherein he had stated that he would, if he had the power, abolish corporal punishment in the army altogether. Looking, therefore, at the very slight changes that had been made between the year 1836 and the year 1838, in the practice of flogging in the army, he did not think the hon. and gallant Member was entitled to shelter himself from the charge of inconsistency in the course which he pursued on the present occasion, however right and proper that course might be.

Lord *A. Lennox* said, with respect to the assertion that the practice of flogging had a ruinous effect upon the future career of a soldier, and that a man who had once felt the lash became reckless thenceforward, he would only assert, that his experience went to prove the contrary; for there were at the present moment four colonels in the British army who had suffered that punishment—who were first-rate officers. Reference had been made to the practice in the French army, and to the absence of corporal punishment in that service; but the absence of this punishment was more than compensated by the severity of the military code, as was proved by the fact that eighty-one cases occurred last year, in which the men were condemned to death; and one-half of these sentences were carried into execution. What would the hon. and gallant Member for Wycombe say to the substitution of the punishment of death for that of flogging? Reference had been made to the superior habits of the Irish constabulary force, and a comparison had been drawn between the police there and the soldier, for the purpose of proving that, as flogging was not known in that service, it was plain the discipline could be kept up without it. But there was no parity of circumstances between the two cases; for the British soldier received only 18*l.* a year pay, subjected to many deductions, whilst the Irish policeman received 24*l.*—he begged pardon, 32*l.* per annum, subject to no deductions. The experience which he had acquired during twenty years' service in the army was—and he regretted to say it—decidedly in favour of continuing the practice of flogging. He could not but consider it a brutal and disgusting punishment, but the safety of the service demanded that the power of inflicting it should be continued to the heads of the army. He had done all that was in his power to abolish the practice of flogging in effect, and had made every effort to dispense with its enforcement in such cases as came within his own sphere of action, but he could not help saying with regret, that his experience told him there was danger in its abolition, and therefore he should vote against the motion of the hon. and gallant Member.

Mr. *O. Stanley* said, that the slight and limited experience which he had acquired of military discipline, induced him to think that flogging might safely be dispensed with in times of peace. There would be a better class of men enlisted for the army, if flogging were done away with; and the practice could only be justified by the most urgent necessity, in short by the fact, that there were no other practicable means for maintaining the discipline of the army. The punishment of flogging was the disgraceful distinction which separated the soldier from all other classes of society. Whatever military men might say of the necessity for having recourse to that punishment, he was certain if it were to be abolished, other means for preserving discipline would be devised. It had been urged, that theft was a crime deserving amongst soldiers of punishment by the lash. He supposed, that the military law was founded on the civil code, and modern legislation had endeavoured to abolish all corporal punishments in jails; why, therefore, was this system of legislation not to be extended to military offenders. In India, flogging had been abandoned, as far as the native troops were concerned; whilst the British soldiers were still subject to the lash. He had never heard, that the discipline of the native corps had been injured by the change. In his opinion, flogging ought to be done away with; and he firmly believed, that if the men were to be flogged in public, instead as now, within the barrack-yard, the outcry against the practice would be so great, that within one month it would be abolished.

Major *Vivian* regretted, that the hon. Member had thought it necessary to bring the subject before the House at this juncture, when it had been found necessary to increase the army, and when for the good of the service such topics ought to be as little agitated as possible. The army necessarily contained men of bad character, and it was not expedient that further limitations should be imposed upon commanding officers. Corporal punishment was never inflicted, but in cases of the greatest necessity, and when other means had been tried without avail. Sympathy was thrown away when lavished upon men who were destitute of the feelings and attributes that ought to be the boast of a soldier, because, as he had just said, corporal punishment was only inflicted when other measures had been resorted to without effect, and for the sake of example. All commanding officers would be as anxious as the hon. Member, that flogging should not be resorted to, and so, indeed, would all other officers in the service; but he could not understand the distinction the hon. Member wished to draw, relative to offences on the line of march. It was quite as essential, that examples should be made in cases of mutiny and insubordination as in cases of theft. It had been proposed that the French system of punishing offenders by sending them to the hulks should be adopted; but how was that possible to be carried into effect when the army was out of the British dominions—in China, for example? With respect to what had been said about the Irish police, it should be remembered, that they were a very different body of men. They were men whose characters recommended them to their situations. In the army, there was no test of character—a man was taken because he was five feet six inches high, and was a strong able man. Nothing would give him greater pleasure than to see the army raised to that pitch, that corporal punishment could be totally abolished, as being no longer necessary; but looking to the class of men entering the army at present, it appeared to him essential, that no further limitations should be imposed upon commanding officers. No one could accuse commanding officers of abusing their power. The hon. Member concluded by repeating his expressions of regret, that the motion should have been brought forward at this particular period.

Captain *Howard*, having claimed the indulgence of the House for addressing it, said he had expected to hear the same arguments adduced in the present, that they had heard on former occasions, and that he should have met with similar appeals to the sympathies of the country; but yet, where instances of individual hardship were considered, they should bear in mind that the legislation of that House had generally been conducted on more broad and comprehensive principles. He wished to quote the opinion of Sir J. Macintosh, who he knew was considered a high authority on both sides of the House. With regard to the discipline of an army, he says:—

> "A prompt and active obedience to authority is the first principle that hold armies together, and is more necessary in an army, than in any other body of men. Without it, they will speedily degenerate into a ferocious mob."

One of the greatest and wisest men had concentrated into one sentence, the description of an army, in saying, that:—

> "An armed and disciplined body may be dangerous to liberty, but an armed undisciplined body was dangerous to society."

The hon. Member concluded by stating that in 1836, the opinion of the judges of the land was against the abolition of corporal punishment.

Dr. *Nicholl*, from the position which he held in connection with the Government, and from the turn which the debate had taken, he hoped he might be permitted to offer a very few observations to the House.

He was perfectly convinced, in conformity with the opinions of the highest authorities, both military and civil, that it was not possible to maintain the discipline of the army unless the power of inflicting corporal punishment were retained. At the same time, he thought it necessary and incumbent upon the authorities to restrict the exercise of that power to within the narrowest possible limits. He begged to state one or two facts in illustration of the extent to which the diminution of this mode of punishment had, of late years, been carried. In 1831, the number of men imprisoned for military offences was 3,676; out of these, the number sentenced to corporal punishment was 1,462. In 1838, the number of men imprisoned was 7,170; but of these the number sentenced to corporal punishment was reduced to 850. This was sufficient to show, that the military authorities were determined, to the utmost of their power, to confine the punishment of flogging to within the narrowest limits. Since he had had the honour of holding the situation he now filled, there had not been one single instance, confirmed by her Majesty, in which the sentence of corporal punishment had been inflicted, nor had there been an instance in the whole of the year 1841. In respect to the motion of the gallant Member for Wycombe, he only begged leave to remark, in confirmation of what had been said by other Members, that it appeared to him to be utterly impossible to apply in time of war a rule different from that which obtained in time of peace. If the punishment were stigmatised in time of peace as brutalizing and demoralizing, he did not see how it could be taken up in time of war, when there was a demand for the active and zealous service of the soldier. When the gallant Member referred to the police of Ireland, he must have forgotten, that the men who composed that force were not only better paid, but were not subject to military law; and that they were not compelled to remain in the service, contrary to their own will or wish.

Colonel *Rawdon* said, he saw, that hon. Gentlemen were exceedingly hungry, and, therefore, he would not detain them long. He could not give a silent vote on this question. It might be supposed, that his political opinions would influence him upon this occasion, but he stood there as an independent representative of the people, and should vote according to his conscientious view of the subject. It was because he felt that this motion, if carried, would be destructive to the internal discipline of the army, and therefore prejudicial to the interests of the country, that he could not give his support to it; and it would not be manly conduct if he did not express that opinion. He did not think it a prudent thing to bring forward this question year after year. It should be remembered that a commission was issued a few years back to inquire into this subject, and no man could read the speech which the right hon. Member for Coventry, who was then Secretary-at-War, made upon that occasion—no man could read the report of the commissioners without seeing that it was impossible to substitute any other punishment. That commission was composed of four civilians and three military men, so that if there were any bias it must have been against the practice. But the report was unanimous, and it was to this effect:—

"It was the opinion of almost every witness that the substitution of other punishments in the army on actual service is impracticable, and that, if it were practicable, it would be inadmissible for the benefit of the service."

Again:

"It did not appear safe to abolish this punishment altogether, nor were any other punishments suggested which promised better results."

He was sure that any opinion of the Duke of Wellington on the matter of discipline would command the attention of the House. The Duke of Wellington was asked this question—

"While your Grace commanded the army was it your wish, and did you endeavour, to diminish the frequency of corporal punishment as much as you could?"

Answer—"As much as possible. From the time I entered the army it was the desire of every commanding officer I have ever seen, and who knew his duty, to diminish corporal punishment as much as possible; and there is one remarkable circumstance which I beg the court never to lose sight of—that is that this punishment is always inflicted in public, and that, supposing the commanding-officer had no feeling with respect to it, he must know that many would feel it in a very extraordinary manner—officers and soldiers both—who are excessively annoyed at it. But it is inflicted as a matter of necessity; and as it is done in public there is a security that it will not be carried to excess."

The Duke of Wellington was also asked

if he knew of any means of doing away with this punishment, and he said,

> "I have not an idea of any possible means. I have had the subject in consideration for six or seven years; I have turned it over in my mind in every possible way, and I candidly declare that I do not know of any means. An army without discipline would be no army at all; and I have not a notion how you are to go on without having a punishment which will make an impression upon the insubordinate."

You talk of imprisonment, but by imprisonment you weaken yourself, for the men in prison cannot serve you. Besides, by imprisoning the bad man you throw additional duty on the good man, and thus punish him for the fault of another. It might not be difficult, perhaps, to show that insubordination towards non-commissioned officers had increased as corporal punishment had been relaxed. He was president of a court-martial in January, 1840, by which a soldier was sentenced to receive 150 lashes. By that proceeding he knew that the officers of the court-martial incurred great odium, but what was the crime of the soldier? He had quarrelled with a comrade, and was afterwards seen deliberately to load his musket with ball. It was feared that he meditated violence, and he was therefore put under arrest. The charge of his musket was drawn, and a ball found in it. For that he was sentenced to be flogged, and he would aver that the officers did their duty in making an example of such a man.

Captain *Polhill* declared, that during sixteen years' service he had witnessed the beneficial effects of the commanding-officer having the power to inflict corporal punishment; and that he had known instances of the infliction of the punishment causing a reformation of the delinquent.

Captain *Bernal* would only say, that he considered the whole argument to have been misunderstood and unanswered.

The House divided on the question that the clause be read a second time—Ayes 59; Noes 187:—Majority 128.

List of the AYES.

Aglionby, H. A.
Archbold, R.
Barnard, E. G.
Bodkin, J. J.
Bowring, Dr.
Bridgeman, H.
Brotherton, J.
Bryan, G.
Buller, C.
Butler, hon. Col.
Cobden, R.
Colborne, hn. W. N. R.
Crawford, W. S.
Currie, R.
Dennistoun, J.
Divett, E.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Ellice, E.
Fielden, J.
Gibson, T. M.
Gill, T.
Gordon, Lord F.
Granger, T. C.
Grattan, H.
Grosvenor, Lord R.
Hall, Sir B.
Hatton, Capt. V.
Humphery, Mr. Ald.
Jardine, W.
Johnston, A.
Leader, J. T.
Marsland, H.
Morris, D.
Mostyn, hn. E. M. L.
O'Brien, C.
O'Brien, J.
O'Brien, W. S.
O'Connell, D.
O'Connell, M.
O'Connell, M. J.
O'Connell, J.
Pechell, Capt.
Philips, M.
Plumptre, J. P.
Protheroe, E.
Rice, E. R.
Roebuck, J. A.
Rundle, J.
Russell, Lord E.
Somerville, Sir W. M.
Strutt, E.
Thornely, T.
Villiers, hon. C.
Wakley, T.
Wallace, R.
Williams, W.
Wood, B.

TELLERS.

Bernal, Capt.
Stanley, O.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Ackers, J.
Acton, Col.
Adderley, C. B.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, M.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Baldwin, B.
Baring, hon. W. B.
Baskerville, T. B. M.
Beresford, Major
Berkeley, hon. C.
Berkeley, hon. Capt.
Bernard, Visct.
Boldero, H. G.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Browne, hon. W.
Bruce, Lord E.
Buckley, E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, A.
Carnegie, hon. Capt.
Chelsea, Visct.
Clements, Visct.
Clements, H. J.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Codrington, C. W.
Colvile, C. R.
Corry, rt. hon. H.
Cripps, W.
Dalrymple, Capt.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Duncombe, hon. A.
Dundas, F.
Egerton, Sir P.
Estcourt, T. G. B.
Farnham, E. B.
Ferguson, Sir R. A.
Filmer, Sir R.
Fitzroy, Capt.
Forbes, W.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, W. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Grey, rt. hon. Sir G.
Hamilton, C. J. B.
Hamilton, W. J.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hay, Sir A. L.
Henley, J. W.
Herbert, hon. S.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Howard, hn. E. G. G.

Howard, hon. H.
Howick, Viscount
Irton, S.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, Sir J.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Knight, F. W.
Labouchere, rt. hn. H.
Leicester, Earl of
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. General
Macaulay, rt. hn. T. B.
Mackenzie, T.
M'Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Morgan, O.
Murray, C. R. S.
Napier, Sir C.
Neville, R.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Ossulston, Lord
Paget, Col.
Paget, Lord W.
Pakington, J. S.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pigot, Sir R.
Plumridge, Capt.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Price, R.
Pringle, A.
Rashleigh, W.
Rawdon, Col.
Reade, W. M.
Richards, R.
Roche, Sir D.
Rolleston, Col.
Round, C. G.
Rushbrook, Col.
Russell, Lord J.
Sandon, Visct.
Scarlett, hon. R. C.
Seymour, Sir H. B.
Sheppard, T.
Sibthorp, Col.
Somerset, Lord G.
Somerton, Visct.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Tennent, J. E.
Thompson, Mr. Ald.
Trench, Sir F. W.
Trotter, J.
Vere, Sir C. B.
Verner, Col.
Vivian, hon. Major
Vivian, hon. Capt.
Vyvyan, Sir R. R.
Wall, C. D.
Wilby, G. E.
Whitmore, T. C.
Winnington, Sir T. E.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C.
Wynn, Sir W. W.
Young, J.
Young, Sir W.

TELLERS.
Fremantle, Sir T.
Baring, H.

Clause rejected. Bill passed.

CUSTOMS DUTIES (WEST INDIAN AND NORTH AMERICAN COLONIES).]

House in committee.

Mr. Gladstone moved,

"That, from and after a day or days to be named, the duties chargeable upon goods, wares, or merchandize, imported or brought into any of the British possessions in America or the Mauritius, under or by virtue of the following acts respectively, namely: Act 4, Geo. 3, c. 15, imposing certain duties on wines imported into the British possessions in America; Act 6 Geo. 3, c. 52, imposing certain duties on molasses, syrups, and pimento, imported into the British possessions in America; Act 14 Geo. 3, c. 88, imposing certain duties on spirits imported into Canada; Act 3 and 4 Will. 4, c. 59, for regulating the trade of the British possessions abroad, shall cease and be repealed.

Agreed to.

The right hon. Gentleman next moved,

"That in lieu of the aforesaid duties, there shall be payable upon goods, wares, and merchandize not being the growth, production, or manufacture of the United Kingdom, or of any of the British possessions in America, or in any of the British possessions within the limits of the East India Company's Charter, imported or brought into any of the British possessions in America or the Mauritius, by sea or inland carriage or navigation, the following duties: that is to say:—

	s.	d.
Wheat Flour, the barrel of 196 lbs. ..	2	0
Fish, of foreign taking or curing, dried or salted, the cwt.	2	0
Fish, of foreign taking or curing, pickled, the barrel	4	0
Meat, salted or cured, the cwt. ..	3	0
Butter, the cwt.	8	0
Cheese, the cwt.	5	0
Coffee, the cwt.	5	0
Cocoa, the cwt.	3	0
Molasses, the cwt.	3	0
Sugar, unrefined, the cwt.	5	0
Refined sugar, the produce of and refined in foreign countries, 20 per cent. *ad valorem.*		
Tea, unless imported direct from China, or unless imported from the United Kingdom, or from any of the British Possessions, per lb.	0	1
SPIRITS.		
Rum, per gallon . ..	0	6
Other Spirits, per gallon	1	0

Glass Manufactures	15 per cent. *ad valorem.*
Silk Manufactures	

Wine, whether bottled or not	7 per cent *ad valorem.*
Cotton Manufactures ..	
Linen ditto ..	
Woollen ditto ..	
Leather ditto ..	
Paper ditto ..	
Hardware .. .	
Clocks and Watches ..	
Manufactured Tobacco ..	
Soap	
Corks, Cordage, and Oakum	

Oil, Blubber, Fins, and Skins, the produce of fish and creatures living in the sea, of foreign fishing, 15 per cent. *ad valorem.*

Articles not enumerated, except such as are comprised or referred to in the subjoined Table of Exemptions.	4 per cent. *ad valorem.*

And if any of the goods hereinbefore proposed to be charged with duty, except Sugar and Tea, shall be imported through the United Kingdom (having been warehoused therein, and being exported from the warehouse), or the duties thereon, if there paid, having been drawn back.

Such goods shall only be charged with three-fourths of the duties hereinbefore proposed.

And there shall be payable a duty of 10 per cent. *ad valorem* upon sugars refined in bond in the United Kingdom, not being the produce of any of the British possessions in America, or of any of the British possessions within the limits of the East India Company's Charter, imported or brought into any of the British possessions in America or the Mauritius.

And if in any of the British possessions in America or the Mauritius any duty be chargeable by any colonial law upon any articles similar to the above, but being the growth, produce, or manufacture of the United Kingdom, or of the British possessions in America, or of the British possessions within the limits of the East India Company's Charter, or the produce of the British fisheries, beyond the duty (if any) chargeable by such colonial law upon similar foreign articles,—the hereinbefore mentioned imperial duty upon such foreign articles shall be increased by such excess or amount (as the case may be) of the duties so chargeable by such colonial law upon similar British articles.

And if in any of the British possessions in America or the Mauritius any duty be chargeable by any colonial law upon tea imported direct from China, or imported from the United Kingdom, or any of the British possessions, beyond the duty (if any) chargeable by such colonial law upon tea not so imported,—The hereinbefore mentioned imperial duty upon tea not so imported shall be increased by such excess or amount (as the case may be) of the duties so chargeable by such colonial law upon tea imported direct from China, or imported from the United Kingdom, or from any of the British possessions.

Mr. *Labouchere* on the first item of the resolution relative to wheat flour, being read, said, he believed the time had arrived for bringing forward the motion of which he had given notice. He deeply regretted to find in a measure, the general principles of which he entirely approved, and was prepared cordially to support, a proposal so highly objectionable—so much at variance with the general purport of the bill, and which he felt it his duty to resist by every means in his power. The proposal of Government was to alter the existing law, which permitted the free importation from the United States into Canada of a great variety of articles, and to impose a duty on some of the most important of them. It was necessary for him to state what the present system was. By the present system, the articles of wheat flour and cured provisions were allowed to cross the border of the United States into Canada without paying any duty whatever. That principle was adopted by the House in 1831 on a full consideration of the question, when a bill was brought in by his late lamented Friend (Lord Sydenham), then Vice-President of the Board of Trade. Previous to that period a duty was chargeable on wheat flour brought to Canada from the United States of *5s.* per barrel, and then also a duty on the importation of salted provisions. The late Lord Sydenham proposed to the House to remit those duties, and the House having agreed with him, the trade across the border, so far as the Imperial Parliament was concerned, was left entirely free. That noble Lord argued that no imperial interest was concerned, that no British interest was maintained by interfering with the free entrance of these provisions into Canada. That was the opinion he then expressed, and, not being contradicted, his measure was not opposed. He begged the attention of the committee to the very important grounds on which Lord Sydenham proposed his measure. The House would agree with him, that there was a very important principle connected with their decision on this question. He held it to be a sound general principle to abstain from all interference with the colonies in reference to subjects of this kind, unless some clear advantage—some distinct object—was stated for their interference. That principle was recognised in the bill which they were now considering, except in reference to the duty it went to impose on the importation of American wheat into Canada. In every other respect it was a measure of relaxation, but on that point alone it was a measure of restriction. The same principle was stated by Lord Sydenham when he produced his measure to the House of Commons. He said that by taking off altogether the duty on flour, they would secure for their own shipping the freight of all the American flour that came down the river St. Lawrence, without the expense of its being warehoused as before. That was one reason. Lord Sydenham went on to say, "that great advantage would accrue from the arrangement of allowing salted provisions to be imported free of duty, that of getting rid of all the custom houses on the St. Lawrence, and opening that outlet to the productions of the states bordering upon the Ohio." Mr. Herries, who followed Lord Sydenham in that debate, although he objected to some parts of the plan then proposed, did not object to that part of it relating to Canada. So far as it appeared, then, the justice of the principle laid down by Lord Sydenham was universally allowed by the House. But they were now called on to retrace their steps—to go back and enforce those principles which were unanimously abrogated by the House in 1831. It behoved them to consider well the grounds on which they were asked to do this. There was no imperial interest—no interest of any kind half so strong as that which was stated by Lord Sydenham—the retaining the St. Lawrence as the great outlet for the produce of Michigan, Indiana, Ohio, of all those portions of America in the neighbourhood of the great lakes. These states were rapidly increasing in prosperity, and every one would admit that the St. Lawrence was the natural outlet for the productions of these states. Independent of all other considerations, he thought the employment which such a traffic would give to our shipping was of infinitely greater importance than the paltry duty which was now proposed to be levied. The House ought to know the grounds on which they were called on to assent to this measure. He was happy to say that the discussion that had taken place the other night on this subject, and the admissions made by the right hon. Gentleman the Vice-President of the Board of Trade, had brought the question within very narrow limits. The right hon. Gentleman said that he did not propose the measure for the benefit of the English landowners, and as he disclaimed any such intention, he hoped that they would not hear the question argued as one having any connection with the system of corn-laws in this country, or that the House was called on to make the change for the benefit of any class of persons in this country. He had asked the right hon. Gentleman whether he proposed the measure for the benefit of any class in Canada, remarking, if he had done so, that it would be much better to let the Canadian Legislature protect the interests of the people of Canada as they saw fit. The right hon. Gentleman acknowledged the obvious justice of the observation, and said that he had not proposed the tax for the benefit of any Canadian interest. The right hon. Gentleman might say, that the Canadians complained of the high duty put by the United States on Canada flour, and that their remedy was to place a duty on American flour. He would express no opinion on this point, beyond saying, that it ought to be left for the consideration of the Colonial Legislature. But this was not the question before the House. If any Canadian interest was affected by the present measure, it was obviously no ground for the interference of the Imperial Parliament. He was happy, however, to receive the admission of the right hon. Gentleman, that he had brought forward his measure with no such intention. He then asked the right hon. Gentleman for whose interest the measure had been brought forward? But he had not received a very satisfactory answer from the right hon. Gentleman on this point. The right hon. Gentleman said, that it was founded on the inter-colonial principle. But Canada being a corn-exporting country, he told the right hon. Gentleman that he could not understand how a protecting duty on wheat imported into Canada from the United States could protect the produce of any other British colony. He had not been fortunate enough to receive any answer on this point, which rather surprised him, when he considered the talent and ingenuity of the right hon. Gentleman who introduced the measure. It was not merely the article of flour on which they proposed to place a duty, but Government proposed to apply the same principle to salted provisions. Under the plan of Lord Sydenham, which was now the law, salted provisions were imported into Canada from the United States free, as far as the Imperial Parliament was concerned. Government proposed to put a duty of 3s. per cwt. on salted provisions and cured meat. He protested against this, and hoped the committee would not give their consent unless strong reasons were advanced by Government in support of the proposal. In the resolutions which he had proposed last year, he had carefully abstained from altering the law which at present existed on this subject—he left all these matters free, and he could only regret that the right hon. Gentleman had pursued a different course. He did not mean to contend that the present system did not afford a facility for the importation of Canadian flour into this country. He believed and he rejoiced that it did; he believed that it often happened Canadian flour was sent to this country, and that the people of Canada went to the United States for the flour which they themselves consumed. When last this subject was discussed, he recollected the noble Lord the Secretary for the Colonies stating that the present system gave rise to a great deal of fraud in this respect. He said, that he believed United States flour was brought across the border, and that Canadian flour was sent to this country. He had made some inquiries of parties who were possessed of very precise information on this point, and from all he could learn he believed that there was not much fear of that fraud being carried to any great extent. A barrel of flour sent from Canada to this country must have the brand of the mill at which it was ground, and as the mills for the grinding of wheat for exportation were very extensive establishments, there was very little fear of fraud taking place. But whether it did so or not, he trusted that this would not be used as an argument for the proposal of Government. He believed, that the trade which had sprung up of late years, and was increasing between Canada and the United States, was likely to be of the greatest advantage to both countries. He begged the committee to recollect that this American flour was paid for wholly in British manufactures. It was stated, in the course of the debates on this subject, by one of the hon. Members for Sheffield, that at a period of great distress in that town, the distress was materially alleviated by the circumstance of there being a considerable importation of flour into Canada from the United States, which was paid for by Sheffield ware. He begged the attention of hon. Gentleman to this part of the subject. He had heard the right hon. Baronet at the head of affairs state his extreme anxiety, if by any fair means he could do so, to frame the Corn-law in such a way as to obviate the disadvantage under which the United States laboured in respect to the corn trade with this country as compared with other countries—those on the Baltic, for instance. The right hon. Baronet admitted, that as the United States were better customers, so it would be desirable to take the corn which our necessities might compel us to import as much as possible from that country. Now, he did not ask the Government to grant any facilities which did not already exist for carrying on a corn trade with America. He did but call upon them not to put a stop to a channel of trade which was open at the present moment. The present system, he admitted, did in some degree—he regretted it was not to a greater extent—compensate America for the disadvantages under which she now laboured, with reference to her corn-trade with this country. He did not think it necessary to trouble the committee with any further observations. The right hon. Gentleman had truly said, that in legislating with respect to these matters of trade, it was extremely difficult to avoid falling into errors; but the right hon. Gentleman also said, that whenever a case could be made out to his satisfaction in which an error had inadvertently been committed, he would be perfectly ready to alter it, without suffering himself to be induced, by any fancied necessity for adhering to consistency of conduct, into a perseverance in a cause which he believed, on reflection, to be at variance with the general interests of the commerce of the country. He really hoped, unless they should hear, in the course of the present debates, some stronger arguments than he had yet heard, or than he expected to hear, that the committee would refuse its sanction to a proposal which appeared to him to be no less detrimental to British trade than it was opposed to every sound principle of commercial legislation. He proposed, therefore, after the words "wheat flour," to add the words "except in Canada." If that should be carried, he would pursue a similar course with regard to salted provisions.

Mr. *Gladstone* perfectly concurred with the right hon. Gentleman as to the inexpediency of interfering in any subject belonging to colonial legislation by discussion in that House. At the same time, when such things did occur, the best way of obviating any inconvenience was to approach the subject in the manner in which the right hon. Gentleman had approached it. He concurred in all the general principles laid down by the right hon. Gentleman with respect to the expediency of giving every fair encouragement to the trade with the United States. The right hon. Gentleman had thought fit to compliment him on his talent and ingenuity. He feared, however, that he must decline the compliment of the right hon. Gentleman, for it appeared that he had failed to convey an accurate idea of his measure to the mind of the right hon. Gentleman, and he was sure this could only be owing to want of clearness on his part. The right hon. Gentleman said, there were two reasons why flour should be exempted from duty on entering Canada from the United States, one of which was in order to destroy the custom-houses on the frontier. Now, he (Mr. Gladstone) did not exactly see how the right hon. Gentleman would succeed in effecting that object by his present amendment; because, in order to be enabled to abolish the custom-houses, he must exempt all other articles that cross the frontier from duty as well as flour. [Mr. *Labouchere:* On what other articles is the imperial duty levied.] On every article, with the exception of flour and salt meat. If butter crossed the frontier, it would be subject to duty. Therefore, it appeared to him, that the right hon. Gentleman must have been directing his observations to a subject of infinitely greater importance — namely, that of making the St. Lawrence the great outlet of the north-western States of the American Union. He perfectly agreed with the right hon. Gentleman in his views on that subject, but he feared the time was hardly come when they could enter upon the discussion of that subject, with its entire scope in view. He did not think that such a question could be fully entertained till the works on the St. Lawrence were completed. As far as he could form an opinion, when these works should be complete, it might be well worthy of consideration whether to establish for the Canadians a system of freedom of trade, with respect to imports of produce from the Union, exempting them from our colonial system. If they said, "We wish to abandon these privileges, which you have secured to us by your laws, in order that we may at the same time liberate ourselves from your artificial restrictions," he could understand that as a perfectly fair proposition; but he could not understand on what ground they could prefer a claim to all the benefits of our colonial system, while they should seek to be relieved from its limitations and restrictions. This was not, as the right hon. Gentleman seemed to suppose, a question of the transmission of American produce down the St. Lawrence. The right hon. Gentleman was aware that there were provisions already which allowed American goods to pass down the St. Lawrence without payment of duty. [Mr. *Labouchere:* By warehousing them.] Not by warehousing exactly, but by bonds: he did not, however, think it worth while to discuss the point, for, until they had the St. Lawrence in a condition to compete with the rival channel of transmission by the United States, the time was not come for the consideration of that question. He came now to the reasons upon which the present proposition had been recommended to the House. On a former evening, in answer to the right hon. Gentleman, he had said, without any scruple, that the object of this proposition was not merely to remove an anomalous exemption. On that occasion he asserted, that no such object as the protection of Canadian interests or British interests entered into the project. The right hon. Gentleman would see, that it must be so; the proposition spoke for itself. If, while they laid a duty of 2*s.* a barrel on American flour, so as to check its importation into our other colonies, they allowed, at the same time, the Americans to carry their flour across their rivers or lakes into Canada, and then allowed the Canadian merchant to send it to our colonies as Canadian flour, it must be evident that the duty would be so much bonus to him, and so much tax upon the consumers of those colonies. Parliament could not entertain such a project. The right hon. Gentleman had asked whose interests this duty was designed to benefit, and in doing so appeared to confine his views to the producing class in the respective colonies alone. It was not designed to defend any class of producers, but a class of consumers. [Mr. *Labouchere:* Whom?] Those of the colonies which were importers and not exporters of flour. The principle of the colonial laws, and a very just system he held it to be, was, that where preferences were given to articles of colonial growth, the producing colonies should not be permitted to create a fictitious export trade, and so gain artificial profits at the expense of other colonies by substituting foreign produce for their own. This was the case with the tropical productions of sugar and rum. The right hon. Gentleman himself applied a very stringent rule of this kind with regard to rum, in the act of last year. Canada was in the condition of an exporting colony. He did not mean to say exclusively exporting, because there were few countries that did not sometimes import. Therefore, the duty now proposed was no tax on the consumers of Canada; the consumers in that colony being supplied by their own produce. The question was this. There were other colonies habitually importing countries—Newfoundland for instance, and the West Indies. Hon. Gentlemen opposite would be the first to blame him if he pursued an opposite course; and would, he conceived, according to their own principles, contend that he taxed these colonies in order to give a preference to British flour. The system which at present existed was a system of give and take. The question now was whether, by giving the exporting colony which claimed the benefit of differential duty in other colonies, a power of free importation for itself, they would enable the merchants of that exporting colony in effect to lay a tax on foreign produce on its way to an importing colony. He would suppose that Newfoundland required for its consumption 50,000 barrels of flour per annum. He would suppose the law which he now proposed to carry to be in existence. Here were the United States on one side of the St. Lawrence able to send their flour into that colony; there was Canada on the other side, not having (let it be supposed, for argument's sake,) any produce of her own to export, because she consumes it, but having the power to carry these 50,000 barrels of flour over the St. Lawrence, and to re-export them free of duty to Newfoundland; the effect of this operation would clearly be to tax the Newfoundland consumer for the benefit of the merchant in Canada. Was not that the fact? [Mr. *Labouchere* was understood to intimate his dissent.] He was surprised that any doubt could exist on the subject. The importer would get additional profit. He did not maintain that the people of Newfoundland would be able to get their flour cheaper by importing it direct from the United States; in that case the revenue would obtain that, which would tend to diminish taxation. If the people of Canada were to say, we do not want your differential duty, but, on the contrary, had rather be on a footing with the rest of the world in the colonial markets; we wish to become the outlet of those vast corn-growing states, and therefore claim to be relieved from these artificial disadvantages, that would be a fair question to entertain; but the case was otherwise. The plan of the right hon. Gentleman would tend to create an artificial export trade, or neither more nor less than this—to lay a transit duty on American produce to the colonies, a duty imposed only on importing colonies, and not on those which exported. These were the grounds on which he opposed the amendment of the right hon. Gentleman. These were what he called intercolonial principles; he meant principles of equality and impartiality in the commercial relations established by Parliament between colony and colony. He hoped it was a question on which they might compare opinions, or agree to differ, without any party feeling; for on the general objects in view perfect concurrence prevailed. Under these circumstances he was perfectly willing to leave the question in the hands of the committee.

Mr. *Roebuck* wished to know why a duty of 2*s*. on a barrel of American flour should be imposed on its importation into Canada? Did the right hon. Baronet apprehend that, under the name of Canadian flour imported into England, there might be imported American flour, and that for the purpose of keeping that out, he would put upon it a duty that should render it difficult to bring it into Canada? He had fancied that might be the object of the right hon. Baronet; but "No," said the right hon. Baronet, "I have no such object in view." The truth was, the right hon. Baronet did not know what the real object of imposing such a duty at all was. The right hon. Baronet had been used as an instrument, not knowing what he was about; for he put perfect faith in what the right hon. Baronet had stated, and he believed that no advantage was attempted to be attained for anybody in England. He gave the right hon. Baronet credit for his statement, but at the same time he was bound to say that the only rational ground he could give for this proposed impost, arose from that sectional spirit—that desire to promote a fancied interest which parties thought they had, in maintaining a monopoly in the growth of corn—self-interest was always intelligible. The dread of leaving foreign corn untouched by any impost was the besetting sin of the landlords of England. To favour that feeling, therefore, and to smooth the difficulties that lay in the way of the right hon. Baronet, difficulties which he deeply appreciated, and which he was glad to see the right hon. Baronet had the courage to face—but nevertheless, in order to smooth away those difficulties, and hold out something to the agricultural classes who were raving behind him, there was this put forward as a sop—"Don't you see, that by this impost we are about to render it impossible that there should be any importation of American flour?" He could not close his remarks without touching upon one great point which the House ought to bear in mind, namely, whether the British Legislature was now in a condition to impose a duty for the benefit of the landlords of England upon the importation of corn from America into Canada? This was a point he would speak upon by and by: at present he would proceed to explicate, if he could, the ratiocination of the right hon. Baronet. The right hon. Gentleman said—"I do not intend to attempt to favour or benefit any interest in England; neither do I intend to benefit any interest in Canada. I do not intend to benefit the producers; my object is to benefit the consumers." Now he would ask, was it the consumers in Canada? The benefit to the consumers in Canada he took to be cheap corn; but you do not cheapen it by putting a duty of two or three shillings a barrel upon it. Therefore it could not be the consumers in Canada who were to be benefitted. "No," said the right hon. Gentleman, "but it is the consumers in Newfoundland." Now he (Mr. Roebuck) wished to know how the consumer in Newfoundland was to have his corn cheaper by having an impost of two shillings a barrel upon it? The right hon. Gentleman shook his head. He knew there were certain catch words, a sort of phraseology used to explain this: the phrase was "differential duties." He had always found that half-bred physicians, half-bred philosophers, and half-bred theologians, sought shelter under the use of technical phraseology; but those who thoroughly understood the subject they were talking about, always used the language of plain common sense: and he would recommend the right hon. Baronet never, when speaking on this subject, to use the words "differential duties." But the question he wished to have solved was this, how the imposition of 2*s*. a barrel upon American flour by way of duty could lower its price to anybody? He did not understand how, by possibility, that could be. How could the Canadians, after paying a duty of 2*s*., import American flour into Newfoundland cheaper than it could be imported from America itself? Would anybody give 2*s*. more a barrel for flour because it came from Canada, and not from America? Not a bit. American corn was better than Canadian corn, as he knew from experience, and would find its way to Newfoundland without a 2*s*. impost. How the right hon. Baronet could make it out, he could not understand. The fact was, the right hon. Baronet was in a mess; he wanted to make out a case, but he was unable to do so—he talked round about the subject, and about and about it, but he never explained it. The real question, then, was this—was the House prepared—the Government itself having declared that it had no object in view as respected this country, and as respected Canada—upon the explanation which had been given by the right hon. Baronet, to put a duty upon foreign corn imported into Canada, and that for the benefit of the consumers in Newfoundland? Were they to interfere with the great principles of colonial self-government, for the purpose laid down by the right hon. Baronet? He had always believed, that the rule laid down since the disastrous war with America, which led to American independence, was not to interfere with the legislation of our colonies, except as far as regarded matters of trade. The right hon. Baronet had admitted, that he did not intend this tax for the benefit of the merchants of England, or of Canada, nor for the benefit of the producers or the consumers in Canada, but that he intended it for the benefit of the consumers in Newfoundland. The argument was reduced to that single item. It was for the benefit of the consumers in Newfoundland. [Lord *Stanley*: And for others.] Where were they? [Lord *Stanley*: In the West-Indies.] Were they to receive flour cheaper because a duty of 2*s*. a barrel was put upon it. He wished the right hon. Baronet, or the Chancellor of the Exchequer, or the noble Secretary for the Colonies, or any political economist on the Ministerial benches to explain how, by the imposition of a duty of 2*s*. upon a barrel of American flour, they would cheapen the article in our colonial market. That was the question in issue. He wanted to know how that could be. The right hon. Baronet had taken some time to explain it; and he had said, the tax was imposed upon an inter-colonial principle. And when he was asked what that principle was, the answer was — the imposing a duty of 2*s.* upon every barrel of flour imported into Canada, and that for the benefit of the consumers in Newfoundland. And it was upon this principle, that a great country like England was about to legislate. They had broken up the original constitution of the Canadas—they had made one Legislature out of the two estates—they had crowded Frenchmen into the hall of Englishmen; and had bound them up into one body; and they then interfered as much as they could with everything connected with the interests of that people; and were now about to repeat an act similar to that which finally dissevered the United States from Great Britain, and in perfect contravention of the statute which was passed prior to that event, and with the express view to ward it off. What was it that commenced the riots at Boston? It was the imposition of a tax upon tea. And they were now about to impose a duty upon corn. Why, might they not suppose that there might be some demagogue in Canada who might point out to the people of that country that this imposition was an infringement of the statute of George 3rd, which declared the wisdom of not again interfering with colonial affairs? Why, might not some leader rise up, and say to the Canadian people, pointing to the United States, "Look! there is a free country; there is no metropolis to interfere with the productions of your industry, or the freedom of your commerce." Why might he not compare Upper Canada with New York, or with Michigan, or with Wisconsin, where there were rising up, from day to day, city after city, and metropolis after metropolis, and where railroads were extending thousands of miles in length beyond any known in England; why might not such an individual contrast the condition of those states with that of Canada, which was now unable to rise and exert her innate energies, because of the weight that was pressing upon her? Were they, the British Parliament, prepared to impose upon Canada this tax, and thus risk the separation of that colony from the mother country, by this interference with colonial arrangements? Was it to be said, that there should be no colonial legislation? The right hon. Baronet had said, that there was no great chance of the importation of much corn or flour from America into Canada because of the natural impediments of the river St. Lawrence. This only showed how ignorant gentlemen often were upon matters that most intimately concerned the interests of the British dependencies. The importation from America into Canada was easy beyond almost any conception. It did not depend upon impediments on the river St. Lawrence coming from America to Canada, for the tide ran down so rapidly and smoothly that corn floated to Montreal, as he had often seen it do, in twelve hours, as if it were wafted by the spirit of that mighty stream. And yet the right hon. Baronet had spoken on the subject with that authority which office inspired, but not with that knowledge which office required, because, on the river St. Lawrence, from America to Canada there were none. Let the world live a thousand years, and they would not have the means of importation from America to Canada more easy than they had now. Why, then, did they propose this tax? It was that mischievous spirit which besets them. They did not know how to govern the countries they possessed, but by showing a petty love of authority by this mischievous interposition. Why not let the people govern themselves? The House did not know even the common geography of the country. They did not know the common arithmetic of the country. The commercial people of this country would tell you, that if you put a duty of 2*s.* upon a barrel of flour, you would raise the price. But the right hon. Gentleman's knowledge of political economy declared, that the way to reduce the price was to impose a duty. The commercial knowledge, political economy, and the geographical knowledge of the right hon. Baronet were upon a par. The right hon. Gentleman shook his head. Then not only he, but almost all the Gentlemen on his side of the House, were most unfortunate, for they could not understand him. He would now say a few words upon the law of the case. The proposition he laid down was this—first, that good policy would teach you not to interfere with the internal regulations of your colonies, without some special ground being laid that it would be for the benefit of the whole community of the colony. His next proposition was, that the mode in which that benefit was to be derived was especially pointed out by the Declaratory Act of Great Britain, and that you should not say, that you would interfere with its trade for this, that, or the other purpose; not for the purposes of the revenue of the colony, nor for the purposes of the revenue of Great Britain. The only case in which Great Britain might interfere with its trade at all was where they could point specifically and broadly to their being beneficial to the great leading interests of this mighty empire. Now, he would ask, what interest was to be promoted by this proposition? The right hon. Gentleman had put the agricultural interest out of the question, because he had said it was not his object to promote that interest by this tax. The mercantile interest he did not wish to benefit at all. All whom he appeared to wish to favour were certain fish curers at Newfoundland. The tax was not for the regulation of trade, or to balance trade, nor to promote the shipping or carrying trade, but it was to benefit the consumers of corn. He would pin the right hon. Baronet to that proposition. Now the onus was upon the right hon. Baronet to show how by the imposition of a duty of 2*s.* a barrel corn could be made cheaper to the consumer. The rule was this: in 1778, just before England was forced to acknowledge the independence of the United States, an attempt was made to conciliate the angry state of the mind of the American people by a declaratory act which he would read to the House. The hon. and learned Member here read the Act of George the 3rd, as follows—

"Whereas taxation by the Parliament of Great Britain, for the purpose of raising a revenue in his Majesty's colonies, provinces, and plantations in North America, has been found by experience to occasion great uneasiness and disorders among his Majesty's faithful subjects, who may, nevertheless be disposed to acknowledge the justice of contributing to the common defence of the empire, provided such contribution should be raised under the authority of the general court or general assembly of each respective colony, province, or plantation; and whereas, in order as well to remove the said uneasiness, and to quiet the minds of his Majesty's subjects who may be disposed to return to their allegiance, as to restore the peace and welfare of all his Majesty's dominions, it is expedient to declare that the King and Parliament of Great Britain will not impose any duty, tax, or assessment, for the purpose of raising a revenue in any of the colonies, provinces, or plantations; may it please your Majesty that it may be declared and enacted; and it is hereby declared and enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this act, the King and Parliament of Great Britain will not impose any duty, tax, or assessment whatever, payable in any of his Majesty's colonies, provinces, or plantations in North America or the West Indies, except only such duties as it may be expedient to impose for the regulation of commerce; the net produce of such duties to be always paid and applied to and for the use of the colony, province or plantation, in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective general courts or general assemblies of such colonies, provinces, or plantations, are ordinarily paid and applied."

With that act before the House, the onus lay upon those who were about to impose a tax upon the colony of Canada to show that it was for the regulation of commerce, and for the general benefit of the whole United Kingdom. It was not enough to show that it might by possibility put 2½*d.* or 2¼*d.* into somebody's pocket, but it must be shown that it would produce a benefit to the community at large. And now he would put it to the right hon. Baronet how he could show that the commerce of England, the carrying trade of England, the internal trade of Canada, or the general interests of commerce of Great Britain, not excepting the agricultural interest in this country, which it was said was not to be benefitted by this matter—he would ask the right hon. Baronet to show to the House and to the country at large how this general benefit was to be obtained by raising to the consumer the price of flour, by putting on a duty of 2*s.* a barrel.

Lord *Stanley* thought the hon. and learned Gentleman might have convinced himself, that at least the proposition he had been discussing was not peculiarly intended for the benefit of the agricultural interest, if he had only observed the kind of attendance of hon. Members on the Ministerial side of the House. The hon. and learned Gentleman had charged his right hon. Friend, with an ignorance of the geography of Canada, an ignorance of political economy, and an ignorance of the commercial bearing of the tax now under discussion. He did not think, that his right hon. Friend stood in need of any defence against these charges of the hon. and learned Gentleman, or that he need in any way fear, upon any one or all of those subjects, to come in competition with the hon. and learned Member. But the hon. and learned Gentleman had most elaborately, through the course of his speech, misrepresented both the propositions laid down by his right hon. Friend. In the first place, the hon. and learned Gentleman quoted the Declaratory Act, which imposed restrictions upon the Parliament of Great Britain of imposing a tax upon the colonies for the regulation of trade, such tax to be applied for the benefit of the colony; and then contended, that the British Parliament had no right to impose any tax upon any of the colonies which was not to be universally beneficial, that was for the benefit of the general interest, excluding the agricultural. [Mr. *Roebuck:* I said, "not excluding."] Well, not excluding the agricultural interest. The hon. and learned Gentleman accused his right hon. Friend (Sir R. Peel) of not having known, that the river St. Lawrence furnished an easy communication between the United States and Canada. His right hon. Friend never made a representation that could have convicted him of an ignorance so gross. No person in England could be so ignorant. What his right hon. Friend did say was this—and he said it in answer to the right hon. Member for Taunton (Mr. Labouchere) who had reminded the House that the whole of this trade was paid for in British goods, and, therefore, it ought to be maintained for the encouragement of British manufactures—what his right hon. Friend said, in reply, was :—

> "I fear you have taken too sanguine a view of the case, and have not considered the difficulty of carrying goods up the St. Lawrence. The difficulty of the transit from Canada up to America, by the river St. Lawrence, is so great, that I am afraid you will not get a trade to an extent which will pay for the transport of corn brought down the St. Lawrence from the western states of America."

That was the answer of his right hon. Friend; but that argument had been quite misrepresented by the hon. and learned Member. The other argument of his right hon. Friend was equally misunderstood by the hon. and learned Member for Bath—he meant, the argument as to the benefit to be derived by the people of Newfoundland from the imposition of the proposed tax. The hon. and learned Gentleman said :—

> "I cannot understand how the imposition of 2*s.* duty upon a barrel of flour, can make flour cheaper to the consumer instead of dearer."

Now, his right hon. Friend never contended, that corn or flour in Newfoundland would be received cheaper from Canada, with a duty of 2*s.*, than it would from the United States; but what his right hon. Friend contended was this—that whereas Canada possessed in the first instance the opportunity, right, and privilege, of importing into any colony belonging to the British empire, corn or flour, subject to a lower duty than what was received on the same articles imported from other quarters of the globe, the result of importing flour from the United States into Canada free of duty would be not to relieve the consumer of any colony to which Canada might carry it—say to Newfoundland—from the payment of any additional price which the duty imposed upon the importation of flour or wheat directly from the United States into that colony—say Newfoundland — would occasion; but the benefit of that additional price would go into the pockets of the merchants of Canada. Take, for instance, the case of 2,000 barrels of flour imported from the United States directly into Newfoundland, at a duty of 2*s.* The duty of 2*s.* would go to the revenue of the colony of Newfoundland. Now, suppose no such duty was imposed upon flour imported into Newfoundland from Canada, what would be the result? The price of flour in Newfoundland would be regulated by the price which the merchants of the United States would accept, after having paid the 2*s.* duty. The result, then would be, that the Canadian merchant would receive the same price for his flour as the merchant of the United States had received, although he would not have paid the 2*s.* duty. This would hold out a bonus for the Canadian merchant to obtain American flour to take to Newfoundland: and in proportion as the quantity so imported into Newfoundland by Canada was obtained from the United States, would be the diminution of importation from the United States direct to Newfoundland. And as, furthermore, flour imported from the United States to Newfoundland paid a duty, whilst flour from Canada to Newfoundland did not pay a duty, and as the price of the Canadian imported flour, free of duty, was regulated by the United States imported flour paying a duty—the result would be, that the revenue of the colony of Newfoundland would lose 2*s.* upon every barrel of flour imported from Canada, which had been obtained from the United States by Canadian merchants, and the benefit and profit to the exact same amount would go into the pockets of those same Canadian merchants. To rectify this evil, to benefit not so much the consumer in Newfoundland as the revenue of that colony, it was proposed to impose a duty of 2*s.* a-barrel upon all flour transported from the United States into Canada. He rose merely for the purpose of explaining the points on which the hon. and learned Gentleman had misunderstood his right hon. Friend. The proposition was brought forward as one of justice and equity between different colonies. He agreed with the hon. and learned Gentleman, that no interest in Canada—no interest in this country—no agricultural question connected with the importation of corn into England had anything to do with this question. It was merely a question of inter-colonial policy; and to his mind, was one of very small and very insignificant importance, and one which was not at all calculated to raise in Canada those hostile feelings which the hon. and learned Gentleman seemed to anticipate. It was merely a question of regulation of duties between two colonies, the interests of both of which the British Legislature was equally bound to protect. It was not a question of class-interest; it was for the purpose of putting two colonies, one an exporting and the other a consuming colony, upon an equal footing.

Mr. *Roebuck:* Did the noble Lord mean to tax Canada for the benefit of the people of Newfoundland?

Lord *Stanley:* The object was not to tax Newfoundland for the benefit of Canada.

The Committee divided on Mr. Labouchere's motion:—Ayes 54; Noes 63: Majority 9.

List of the Ayes.

Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Bannerman, A.
Barnard, E. G.
Blewitt, R. J.
Borthwick, P.
Bowring, Dr.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Busfeild, W.
Chapman, B.
Cobden, R.
Crawford, W. S.
Duke, Sir J.
Duncan, Visct.
Dundas, D.
Escott, B.
Fielden, J.
Gibson, T. M.
Hay, Sir A. L.
Heathcoat, J.
Holdsworth, J.
Howard, hon. H.
Howick, Visct.
James, W.
Labouchere, rt. hn. H.
Marsland, H.
Morris, D.
Norreys, Sir D. J.
O'Brien, J.
O'Brien, W. S.
Pechell, Captain
Philips, M.
Pinney, W.
Plumridge, Capt.
Rice, E. R.
Russell, Lord J.
Smith, B.
Stanton, W. H.
Stewart, P. M.
Thornely, T.
Tufnell, H.
Tuite, H. M.
Villiers, hon. C.
Vivian, hon. Major
Wakley, T.
Wallace, R.
Wawn, J. T.
Williams, W.
Wood, B.
Wood, C.
Wrightson, W. B.

TELLERS.

Roebuck, J. A.
Buller, C.

List of the Noes.

Acland, T. D.
Acton, Col.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Bagge, W.
Bernard, Visct.
Boldero, H. G.
Botfield, B.
Campbell, A.
Clerk, Sir G.
Coote, Sir C. H.
Corry, rt. hon. H.
Cripps, W.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Fitzroy, Capt.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Henley, J. W.
Herbert, hon. S.
Hinde, J. H.
Hope, hon. C.
Jermyn, Earl
Johnson, W. G.
Jones, Capt.
Kemble, H.
Kirk, P.
Knatchbull, right hon. Sir E.
Lockhart, W.
Mackenzie, T.
Mainwaring, T.
Manners, Lord J.
Meynell, Capt.
O'Brien, A. S.
Palmer, G.
Peel, rt. hon. Sir R.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Reade, W. M.
Round, C. G.
Rushbrooke, Col.
Russell, C.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Tennent, J. E.
Trench, Sir F. W.
Trotter, J.
Vere, Sir C. B.

TELLERS.

Fremantle, Sir T.
Young, J.

Resolution again put.

Lord *J. Russell* said, he was not about to address the committee on the question as to the duties to be imposed upon fish, salted or cured, otherwise than to say the present proposition was a continuance of the same kind of legislation as that which had been carried just now by so small a majority. He wished the committee, however, to consider what was the existing state of things. The right hon. the Vice-President of the Board of Trade found a law in force for eleven years, by which corn, flour, and provisions of different kinds had been introduced into Canada from other countries duty free—he found also that under that state of things great benefit had been derived—that trade between the United States and Canada was increasing—he found that on some occasions the distress which had prevailed among the manufacturers of this country had been relieved by the demand by Canada for goods the produce of Sheffield and other manufacturing towns, in order to pay in goods for the provisions received from the United States. In the midst of this state of things the right hon. Gentleman, while no single practical evil arose from this system, without being able to state to the committee that any single particular mischief had arisen from this law, which had existed and been acted upon for eleven years, came down with his abstract principle and said,

> "Because the [revenue of Newfoundland is injured, I will interpose with my legislation and interrupt that which has been good, wholesome, and useful to commerce, and put an end to all the advantages which have accrued."

He never in his life had heard so wanton and unnecessary a proposition. If the right hon. Gentleman had stated that this measure was for the benefit of a great English interest, or that it was requisite for the protection of that interest which already had the Corn-laws, or that it was necessary for the protection of some imperial interest, then though he must have said that the principle was erroneous and the legislation vicious, still he could state that great interests were concerned, and a great matter obtained; but this proposition was admitted not even to be for the benefit of the consumer, and was only for the sake of a distinction in which Canada and some West India islands were concerned. What was the case which had been made out by the right hon. Gentleman? Why, that the Canadian merchant being able to send his goods to Newfoundland and other colonies duty free, had an advantage over the foreign or American merchant, inasmuch as he sold his provisions at the same price, and thereby derived an advantage. But even this argument supposed that the Newfoundland market could not be supplied without importation from the United States, and taking that to be the case, it was made out that no positive advantage would arise to the consumer under the proposed scheme. The only thing the right hon. Gentleman had made out was, that the Canadian merchant, and those engaged in the navigation of the St. Lawrence, and the transit of goods through Canada at present gained some advantage. Now, he begged to ask was this a reason for the alteration of a system now established for eleven years—a system which had worked and was still working, and which in time, he did not hesitate to say, would produce very great advantages? There could be no greater advantage than a free communication between Canada and the United States—that traffic was increasing, would increase, and would, he was persuaded, be the means of bringing back to the colonies and to this country, a great importation from the western states of North America. He could understand the application of the principle for which the right hon. Gentleman now contended to the East-India rum question, but even in that case conditions had been added to the benefit conferred. In this case, however, there was no benefit conferred upon anybody, except under a refined and abstract notion, upon the revenues of Newfoundland, and for this Parliament was interfering with the laws, the commerce, and the future prosperity of Canada. He hoped, that although the committee had decided just now in favour of that principle on the question of wheat, they would not carry the principle any further, and would negative the proposition now under consideration; and he also hoped that in some future stage the House would discountenance this system of petty, meddling, and mischievous legislation.

Mr. *Gladstone* said, when he considered the number of colonial questions with which the noble Lord had had to deal, and the knowledge which the noble Lord must possess of the relations between this country and the colonies, he was sorry the noble Lord had not followed the example, in tone and temper, set by the right hon. Gentleman the member for Taunton. He must say, that a sharper speech than that of the noble Lord, and language less justified by the occasion, he had never heard—With respect to the argument of the noble Lord, all he would say was this—that if the noble Lord intended to imply that the effect of this measure was to limit the commerce between Canada and the United States he was completely mistaken; for he must know, or ought to know, that even if, upon these particular articles, this effect would be incidentally produced, upon every other article on which a rated duty was laid by the right hon. Gentleman last year, that rated duty was proposed to be reduced. The noble Lord alluded to the duty on salted meat as if it were intended also to obstruct the commerce between the United States and this country through the medium of Canada. The noble Lord alluded to it as if it had that aspect and view. [Lord *J Russell:* Incidentally.] A more unfortunate instance the noble Lord could not have selected. It was impossible that America should send her salted meat into Canada, paying 3*s.* duty, to be transmitted from Canada to this country, for this reason, that America might, from her own ports, under the tariff proposed by his right hon. Friend, send her salted meats to the ports of this country, where they would have the command of a great market—that was to say, of the consumption of our shipping, without the payment of any duty whatever.

Lord *J. Russell* said, that was not his argument. His argument was, that any increase in the tariff between the United States and Canada would tend generally to promote commerce.

Mr. *Labouchere* was ready to admit, that when he addressed the House on the preceding duty, he believed it quite impossible for hon. Gentlemen opposite to bring forward anything bearing the slightest semblance of an argument in favour of the views which they had taken. They certainly had advanced more plausible arguments than he believed it possible for them to do. But having admitted that, he must say, that he never heard a question gravely proposed by a Government, bolstered up by such trumpery arguments as had been used on the present occasion. He would ask any man who had listened to the debate, and heard the possible loss to the revenue of Newfoundland — set against the positive loss which would accrue to our manufactures,—the positive evil which would result from our interfering in the trade—he would ask any man whether any doubt could exist that the present proposition was one which ought not to be assented to on the part of the House? He could not help thinking that Government would have done better to have abandoned the proposal altogether. The hon. Gentleman seemed to argue as if this would not lead to practical results. He could not help thinking that much more important practical results would follow than was supposed. He would say no more about that now, but confine himself to the proposal as to salt meat. It would operate in this way. The St. Lawrence was the natural outlet, unless you prevented it by your regulations, of Michigan, Ohio, and other important north-eastern states of the Union. The right hon. Gentleman might say, that they might warehouse; but it was these petty vexatious obstacles which so much interfered with trade. It was the policy of this country to keep the St. Lawrence open. It should only be on some broad and plain grounds that the House should refuse to act on that principle. He had heard with regret from the right hon. Gentleman the Under Secretary of the Colonies, of all persons, the argument which he had used on the present occasion, because he was a member of the committee which decided on the measure brought forward by Mr. P. Thomson, and which established the system he was now seeking to alter. He did not think that the right hon. Gentleman had stated a substantial reason for departing from the policy which he then recommended, and which had been acted upon for eleven years without the smallest complaint. The inhabitants of Newfoundland would be surprised when they heard that they had been suffering under a grievance. No complaint had ever been made on the part of the Assembly and people of Newfoundland. He thought that our policy ought to be not to interfere with the colonial trade unless it was absolutely necessary. He could not agree, however much he might object to the course which Government had pursued — he could not agree with the hon. Member for Bath in saying that he thought the course they had taken was a violation of the Declaratory Act. He felt bound to state his humble opinion that he did not think that ground could be sustained. He thought the course impolitic and ill-advised, but he did not think it unconstitutional.

Mr. *Roebuck* said, that there were great objections from the House of Assembly of Lower Canada on that unconstitutional point. He would follow out the consequences of this proposition to Canada and Newfoundland. He assumed that flour was at the same price on both sides of the St. Lawrence. He assumed that as a fact. There was a duty of 2*s*. per barrel on the importation of American flour into Newfoundland. Suppose that in Canada it was 20*s*.; if it were imported into Newfoundland from America it would be 22*s*.—if from Canada, it would be 20*s*. Therefore, it would be imported from Canada, and the people of Newfoundland would get it at 20*s*. If you put the duty upon the importation of American flour into Canada, then American flour would come to 22*s*. If they exported their own they must buy of America. If they bought of America, they must buy at 22*s*.; if they sold to Newfoundland, they would sell at 22*s*.; therefore, Newfoundland would have to pay 22*s*., that was to say, would pay the tax of 2*s*. which ought to be paid by Canada.

Viscount *Howick* concurred with his hon. Friend near him, that the change proposed was a disadvantageous one, but he would not say, that it was totally without foundation or some ground to proceed upon. He admitted, that the argument was entirely well founded, it was the argument the late Ministry had urged with regard to East-India tobacco; but he wanted to know how stood the fact? Would, in point of fact, flour in this manner be carried into Newfoundland? The law had been in operation eleven years, and had there been practical complaint of this inconvenience? If there had not, if no such inconvenience had been felt, if we had not injured the revenue of these colonies, it seemed we were making a mistake, if, merely to correct theoretical objections to the state of the law, we were going to impose new restrictions on the intercourse between Canada and the United States. If the object was to extend and promote intercourse between the United States and Canada—if that was the case, it seemed to him extremely imprudent to adopt this resolution. The mere fact of having a duty at all must of necessity interfere with the intercourse between the two sides of the St. Lawrence. More than that he could not understand on what principle it was contended this would be a violation of the Declaratory Act. It seemed to fall within the exception provided by the act. Although he admitted a power to make regulations, he thought it was a power and right which ought to be exercised as sparingly as possible; and, above all, we ought to teach the colonies that we exercised the power on some steady and uniform principle—that we did not act capriciously—that our decisions one day were not to be overturned by the decision of the next—that they were not to be the sport of the changes of political party, or that because Gentlemen who sat on one side of the House in 1831 gave them free-trade, in 1842, a Government of a different character was to reverse that. He held these changes to be exceedingly mischievous. Let local acts be passed imposing on the importation of flour a duty equivalent to what was imposed on importation into the United States; but let not the House adopt, to meet a theoretical grievance, a regulation which would cramp the freedom of commercial intercourse between Canada and the United States.

Sir *R. Peel:* Sir, the noble Lord has stated his case with great fairness. He had stated very fairly, and very fully also, his objection to the statement of the hon. and learned Gentleman on the ground of a violation of the Declaratory Act. But in point of policy, the noble Lord thinks that the measure of her Majesty's Government is liable to exceptions; and he says, let your policy be based upon a sound and steady principle. The noble Lord considers there is a hardship in the case as regards Canada; and considers also, that the effect of our proposition may be injurious to the trade of that colony with the United States. The noble Lord admits, that he is not prepared with any argument in support of the measure, while the right hon. Gentleman admits, that the arguments made use of are of great weight upon reflection. A little subsequent reflection may, however, convince him still more, and that I recommend him. The noble Lord has said, we should adopt some steady settled system of policy in regard to the colonies, and carry out that principle without reference to any change of Government. Now, if he applies that principle to our inter-colonial system of legislation, the noble Lord will find it extremely difficult to resist the measure of her Majesty's Government. For instance, in Nova Scotia, at present there is a duty of *5s.* a barrel on the importation of American flour, and the same in New Brunswick and Prince Edward's Island. That is to say, in the case of three out of four of our North American colonies, there is a duty of *5s.*, while in one of them there is no duty at all; which duty of *5s.*, be it remembered also, was not imposed by a Colonial Act, but by an act of the Imperial Parliament. The noble Lord said, let us act on a settled system, and not disturb existing relations. Now, if that advice be adopted, Canada should be placed on the same footing as those colonies; and then what becomes of the noble Lord's suggestion? As regards theory, there can be no doubt that the noble Lord is right; but it is far otherwise as regards its practical application. We have been charged with creating a hostile feeling towards us in the minds of the people of the United States by this measure. How stands the fact? So far from endeavouring to create any such feeling, we are trying our best to efface it, if it already exist; and instead of checking intercourse between our colonies and that country, we are encouraging it by a reduction of duty, to the amount of *3s.* But suppose we were to act on the sound system and steady principle suggested by the noble Lord, let me remind the right hon. Gentleman, the Member for Taunton, of his own proposition last year, respecting butter and cheese, the produce of the United States, imported into Canada. In those propositions he retained the duty on these articles, while he did not attempt to alter that which existed on flour in the three other colonies that I have just named. Was that to act on a steady, fixed principle. If you act on those sound theoretical principles enunciated by the noble Lord, how can you continue one duty and propose the remission of another? One must be as objectionable as another, and, therefore, you must begin *de novo*. The question, therefore, resolves itself into this —you find a case in which certain circumstances have existed for eleven years, and the amount of your objection to our measure is, that having so long existed, it should not be altered or disturbed. Now, Sir, I recollect when, the other night, I rested my vote on a question on the practice of the House for 150 years, and grounded my opposition to a motion on the impolicy of disturbing such a state of things, I was met with a sort of cheering which seemed to imply derision at my folly. And, Sir, I cannot help thinking of the cheering which greeted the suggestion of the noble Lord, when I recollect the contemptuous treatment which my advocacy of prescription in virtue of old practice received at the hands of hon. Gentlemen opposite. Whether this was available or not, I do think that the noble Lord should not prop up his argument by reference, so soon after his vote upon that occasion, to prescriptive right and ancient usages. Therefore, the question is, whether the same policy shall be applied to Canada as regards flour, which the right hon. Gentleman proposed with regard to butter and cheese. It has been said, that this proposition is a violation of the Declaratory Act, but which is not in the slightest degree the case; and the only point to be considered, therefore, is whether the restriction complained of in the trade of one colony counterbalances the advantage which is calculated will be derived from making all our colonies in that quarter equal—for doing, in short, with regard to flour what the right hon. Gentleman proposed to do with butter and cheese. I hope, I must say, in conclusion that I have observed the precept which was so vehemently laid down by the late Chancellor of the Exchequer, and that I am not one of those who do not keep my temper when discussing financial matters. The right hon. Member for Portsmouth, directed a withering look at me, and in a tone of voice which I shall not forget, lamented the misfortune of this country in not having public men to guide its councils who could preserve their temper. I admit, that nothing is so unwise as to be betrayed into ill temper, and I hope, I have followed the right hon. Gentleman's precept without imitating his example.

Mr. *Labouchere* was not aware that in discussing that which was not an exciting subject, he had been betrayed into any ill-temper,

Mr. *C. Buller* said, they would probably arrive by-and-by at a clear understanding of this wonderful intercolonial principle on which these duties were to be imposed, but at present he doubted very much whether the committee fully comprehended them. It was gratifying to find that when the right hon. Gentleman was called upon for an explanation that evening, the proposition had been put in so seductive a point of view that it would appear the clapping on a duty of 2*s.* a barrel was calculated to benefit the consumer. The noble Lord (Lord Stanley) had however, explained, that the object was to benefit the revenue of Newfoundland. He congratulated the Government upon having after two months' consideration, and with the advantage of official research, at last arrived at the knowledge of its own principle. Three evils he apprehended would arise out of this proposition. In the first place, it would operate as an evil by increasing the price of flour to our homeward bound shipping victualling at Quebec, who to evade it would have recourse to an extensive system of smuggling, which could not be prevented on the St. Lawrence even in such articles as barrels of wheat. The second evil would be the to a certain extent fostering a protected agricultural interest in Canada by this differential duty on American produce. The third evil was one of greater magnitude still, and that was the effect of the measure upon the United States. The right hon. Baronet told them that they were conciliating that people by at the same time diminishing the duties on American produce imported into our other colonies. It might be very well to say that this was the case with regard to Nova Scotia and New Brunswick, but he doubted whether the reductions as regarded those colonies would affect the Americans so favourably as to compensate them for the augmentation of duties on imports into Canada. At any rate he feared that the benefit if in fact equivalent to the evil, would be thought as much of by the Americans. They would naturally be more likely, in their present state of feeling towards this country, to dwell upon that part of the measure which would operate to their injury, than on that part of it which benefited them. More especially did he think this would be the case with those States of the Union where in fact the reduction of duties would in no wise immediately benefit. The only portion of the States affected by the alterations in duties as regarded New Brunswick and Nova Scotia was New England; but by the restrictions on imports into Canada, you were raising new enemies against you in New York, Ohio, Michigan, and two or three other states, by for the first time imposing a duty upon their great staple article of produce when imported into Canada. A more unpropitious time for such a measure could scarcely have been chosen than the present, looking at the state of our relations with the United States, at the fact that the American commercial tariff was coming on for discussion, and seeing what a motive it afforded to some Members both of Congress and of the Senate for an increase, on commercial grounds, of the hostility already entertained by them towards this country.

On that part of the resolution imposing a duty of 5*s.* per cwt. upon unrefined sugar,

Mr. *Gladstone* begged to observe, that he had no intention to introduce unrefined sugar into all the West-India colonies. The prohibition would remain precisely as it was at present.

Mr. *Labouchere* observed, that there was an alteration proposed in the duty which the late Government had suggested with regard to tea imported across the frontier. He had no doubt that the object of the present, as well as that of the late Government, was to do away with the existing prohibition, and the only question was, what system they should substitute. He, however, preferred the plan he had last year proposed, on the suggestion of Lord Sydenham, of allowing the importation of tea by land carriage into the North American colonies, upon the same duty as into the United Kingdom, increased 10 per cent. All wished to do away with that system of prohibition which had given rise to so much smuggling; and as he knew that his proposal had given satisfaction in the colony, he was disposed to regret that the right hon. Gentleman had not adopted his plan.

Mr. *Gladstone* explained, that he had taken the ordinary rule of fixing differential duties upon some definite principle, rather than to allow particular cases to influence him. The plan of the right hon. Gentleman was applicable to Canada alone, whilst the present proposal empowered all the American colonies to receive tea from other countries, as well as from China and Great Britain, upon equal terms.

Mr. *Cobden* remarked, that the late Government went out upon a question of admitting foreign sugar into this country at a moderate duty. The noble Lord, the Member for Liverpool (Lord Sandon), would allow nothing to be done which would encourage slavery; but it was not, perhaps, generally known, that some of Lord Sandon's most influential constituents were engaged in refining sugar, the produce of slave-labour, for the purpose of exportation. And how could hon. Members who came forward so recently to prevent the introduction of slave-grown sugar into this country consistently propose to give the right of using that same sugar to the West Indies? The truth was, the West Indians had the power over our people of regulating their consumption by entering into a confederacy with the landlords. He heartily wished that some hon. Member on that (the Opposition) side of the House, who last year entertained conscientious scruples against allowing the use of slave-grown sugar, would put the sincerity of hon. Gentlemen opposite to the test.

Mr. *Gladstone* said, it was a privilege which the colonies had previously enjoyed, and which the present Government found existing in the law. So far as he knew, he believed the West Indians were anxious to exclude slave-grown sugar from their colonies. And even the legislature of Jamaica had passed a law imposing a duty of 6*d.* a pound on slave-grown sugar.

Mr. *Cobden* said, that in the six months from the 5th June, 1840, to the 5th January, 1841, 14,097 cwt. of slave-grown sugar, refined here, were sent from this country to the West Indies.

Mr. *M. Gibson* said, the right hon. Gentleman had not sufficiently explained why he imposed 10 per cent. on foreign sugar refined in bond in this country. These differential duties were proposed as protections to British goods as against foreign goods imported into the colonies. But foreign sugar refined in this country was a British manufacture, and, therefore, should not be subject to the duty. Unless he should hear some good reason for this duty from the right hon. Gentleman, he should oppose the resolution.

Mr. *Gladstone* said, this duty would be by no means injurious to British manufactures. The Government made no innovation, but left everything as they found it. He had explained this matter over and over again to the refiners, who were all satisfied with the proposition. In the several colonies there was a colonial duty imposed which would absorb this 10 per cent.

Resolution agreed to, as also were the following.

3. *Resolved*, That, from and after a day to be named, so much of the said Act for regulating the Trade of the British Possessions Abroad, as provides that any sort of craft, food, and victuals, except spirits, and any sort of clothing and implements or materials fit and necessary for the British Fisheries in America, imported into the place at, or from whence such Fishery is carried on, shall be Duty free, be repealed, except so far as regards the following articles (that is to say), Salted or Cured Meat, Flour, Butter, Cheese, Molasses, Corkwood, Cordage, Oakum, Pitch, Tar and Turpentine, Leather and Leather Ware, and all sorts of Fishing Craft and Bait, Fishermen's Clothing and Hosiery; which articles are only to be exempted from Duty under such rules and regulations as shall be satisfactory to the principal Officer of Customs, that the articles are really and truly intended to be applied to the purpose for which the same have been entered as imported.

4. *Resolved*, That from and after a day to be named, goods the produce or manufacture of the Islands of Guernsey, Jersey, Alderney or Sark, when imported from such Islands into the British Possessions in America or the Mauritius, shall be admitted to entry upon payment of the said Duties as are payable upon the like goods the produce or manufacture of the United Kingdom, or of any of the said Possessions.

5. *Resolved*, That the Chairman be instructed to move for leave to bring in a Bill to amend the Laws relating to the Trade of the British Possessions Abroad.

House resumed. Resolution agreed to. Resolutions to be reported.

House adjourned.

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HOUSE OF LORDS,

Monday, April 18, 1842.

MINUTES.] BILLS. *Public.*—1ª· Mutiny; Marine Mutiny.

2ª· Corn Importation; Lunacy.

Reported.—Indemnity; Public Works.

Private.—2ª· Fieville's Naturalization; Benecke's Naturalization; Wakeyhill Inclosure.

Reported.—(specially) Cottenham Inclosure; Brandling Junction Railway.

3ª and passed:—Bradford (York) Waterworks.

PETITIONS PRESENTED. By Earl Fitzwilliam, and Lord Brougham, from Gisbro, Huddersfield, Leicester, Leeds, Arbroath, and St. Mary's, Newington, against the Income-tax.—By the Earl of Stanhope, and the Duke of Buckingham, from Farmers in Chapham, Gillingham, Kent, Banff, Forfar, Surrey, and a great many other places, against any Alteration of the Corn-laws.—By Earl Fitzwilliam, the Duke of Rutland, and the Earl of Zetland, from Kirkburton, and various places, in favour of Free Trade.—By Earl Fitzwilliam, from the Shoemakers of King's Lynn, against the Alteration of the Duty on Foreign Boots and Shoes.—From Corn Millers in Mayo, against the Importation of Foreign Flour into Ireland.—From the Grand Jury of the County of Mayo, against the Scale of Duties on the Importation of Oats.—From Callander, against the Importation of Foreign Cattle.

CORN IMPORTATION BILL.] The Earl of *Ripon* moved the Order of the Day for the second reading of the Corn Importation Bill. The order having been read, the noble Earl addressed their Lordships as follows:—My Lords,—Although the measure to which your Lordships' attention is about to be called has become from not unfrequent discussion familiar to you, and although the bill, the second reading of which I am about to press on your attention, does not proceed on any new principle, but is only a modification of the existing law, I feel I should not fully discharge the duty which has devolved on me, if besides briefly laying before your Lordships the provisions of the bill, and the grounds on which it has been submitted to Parliament, I did not also make a few observations of a more general nature. My Lords, I have always felt, and I still continue to feel, that the present is one of the most—if not the most — important questions which Parliament could be called upon to decide. It relates to a subject in which are involved the prosperity and contentment of the people and the safety of the State, for what can be more important to a nation than an adequate supply of the necessaries of life at a reasonable rate? The question before us involves, as I have just said, great interests,—the interests of agriculture, of manufactures—the interests of those who naturally seek to derive profit from the employment of their capital. Each of these is important in itself—I know that they all are important—but, my Lords, I think that, however we may estimate the separate or aggregate importance of these, there is one consideration which rises above them in importance, and that is the consideration by what means the people may be most easily fed. At the same time, as this consideration is of so much importance to the nation, so much the more difficult will be the decision as to the means proposed. I am well aware, my Lords, that some of the highest authorities as statesmen have differed as to the mode in which a measure of this kind should be carried into effect. Men of the soundest views—of the greatest practical knowledge—differ as to the means by which the people may be most easily fed; but, my Lords, the question is so mixed up with an eager sense of supposed clashing and conflicting interests at one side and the other, that it is almost impossible to impress on either the real identity of those interests. It is so mixed up with violence—with charges of ruin which it is feared will be brought on as one or another mode is adopted, that it is almost impossible to come to any satisfactory discussion of the question. There is, however, one inference which your Lordships will allow me to draw from the paramount importance and difficulty of the question—that in proportion as the subject is important and its difficulties great, it behoves us so to discuss it, as not to share in or excite those angry feelings without which it has hitherto seldom been debated. In this feeling, which I now humbly venture to recommend to your Lordships, it shall be my endeavour to lay my views of it before your Lordships, and if in the course of my remarks I should be led aside by such considerations as I now deprecate, I hope your Lordships will intimate to me in some very significant manner that I have departed from my own rule. My Lords, in considering how the question (by what means the people may be most easily fed) is to be legislatively brought about, I find I have to deal with two great antagonist principles—one, that all restrictions on the importation of foreign corn should be removed; the other, that the importation should be regulated, and restrictions partly retained. Let me for a moment, my Lords, advert to the first of these principles, let me for a moment consider the fitness, the propriety, the justice, of this principle,—of abandoning all protection to corn of home growth, of abandoning all restriction on the importation of foreign corn. My Lords, I am ready to admit, that there are considerations which would appear at first to recommend this principle in many points of view. It has kind, generous, charitable feeling in its favour. There is something very gratifying to the poor man to be told that if Providence should shorten his supplies at home, he has the whole world open to him, and that the injury which might be feared from an unproductive season here will not be severely felt by him, as he is sure to be supplied by the surplus of other countries. This theory is plausible, and, as I have said, has many things apparently to recommend it, but, my Lords, the more attentively I have considered the subject the more I am convinced, that no principle is more fallacious or more likely to mislead those who would force it on the attention of Parliament or the public. My Lords, I have always said that, this question is one of a choice of difficulties; and if I could be persuaded by fair argument that the people could be fairly and cheaply fed by the withdrawal of the protection now given to agriculture, I should not be found amongst those who would continue the restrictions on foreign corn; but, my

Lords, I hold it a great evil to adopt a plan which I am convinced would have just the opposite consequences. My Lords, the great evil which I anticipate from the adoption of the principle that all restrictions on the importation of foreign corn should be withdrawn is this, that the people of this country would be compelled to depend on other countries for their supply of corn—not to meet an occasional deficiency, but to depend altogether on other countries for the main part of their annual supply — that such dependence would be leaning on a broken reed, and that they would be habitually in danger of the failure of that supply. No one doubts, my Lords, that the progress of agriculture in this country has for many years past been most remarkable. That progress has been such as to keep pace with the demands of the people (not entirely, for that was impossible) but has been such as to supply—not entirely, but almost—the wants of our greatly increased population, and that with very little addition from foreign countries we may be said to be able to rely on our own resources. From many causes, into which it is not my intention, nor is it necessary, to enter, the cost of agricultural production in this country has become higher than in other countries of Europe. It is quite clear, from what I have said, that the amount of our agricultural produce has been brought nearly equal to the demand; but this could not have been done unless capital had been applied to the land, and obtained such a return as induced the capitalist to continue his investment; but if you take away the protection which has been given to our home produce, you will cause the withdrawal of some of the capital from the land, and, of course, the produce will be less; and you will then have to depend on foreign supply, not only for the amount you were in the habit of getting, but also for the amount you would lose by the withdrawal of a portion of the capital heretofore invested in the land. I may be told that it is the better land, and not the poor land, which would go out of cultivation; but that does not alter my argument, for I contend that the introduction of foreign corn consequent on the removal of protection to our home growth, would make us dependent on foreigners for our supply just in proportion to the amount of the foreign corn introduced, in addition to the amount which we were annually in the habit of importing. Now, my Lords, if this be the case, and if the production of our own soil shall be materially affected, as I contend it will be by the removal of all restrictions on the importation of foreign corn, let us see what prospect we shall have of an adequate supply from other countries. This is a part of the question not often referred to in discussion. My Lords, it appears to me that if we diminish the amount of the home produce by 10 per cent. on the whole, it will be a matter of doubt whether we shall be able to get an adequate supply from any part of the world. I do not know of any country in Europe from which we can expect any such increased supply. From several documents which have been laid on the Table relating to this subject, your Lordships will find that there are only two states in Europe from which we could expect any material addition to the amount of our present supply from them. These are Denmark and Mecklenburg. In the papers to which I have referred it is stated distinctly, that notwithstanding the encouragement which would be held out by the repeal of the Corn-laws, the utmost supply upon which we could rely from foreign countries in Europe would not exceed 2,250,000 quarters of wheat; but if your Lordships will examine the returns on the Table, you will find that this is an exaggerated statement. From Palermo there is no export of grain; Warsaw is included in the Dantzic account. For the last thirteen years the average of our imports has been about 1,500,000 quarters of wheat; if to this you add 2,500,000 of quarters, the diminution of your home growth, the difficulty will be greater to supply the deficiency. I am aware, my Lords, that this argument cuts both ways; for if the amount which we require be so small, and the difficulty of supplying it great, it will operate favourably, at least less injuriously, to the home grower. It certainly will show that the fears on one hand will not be realised, nor the hopes on the other prove well founded. But, my Lords, in making those remarks my object is to show that the abolition of protection to the home grower will not secure a steady and certain supply from other countries. The papers before us show that we cannot get any large supply from Prussia. The answer to the questions put by Government as to whether an increase of a regular and steady demand from this country would not increase the supply in a short time will show how far that increase may be relied on. The question was put as to St. Petersburgh? And the answer was—No. Riga?—No. Odessa?—No. We cannot calculate on any material addition to the amount heretofore got from these sources. We might get some, but it would be small. The same question is put as to Dantzic?—No. Konigsberg?—No. Stettin?—No. Memel?—Yes. The increase would here be about one quarter on the supply obtained heretofore; but, then, let it be remembered that the whole amount from Memel was 5,000 quarters, and the addition of one-fourth would go a short way in filling up the deficiency of our produce. From Elsinore I find that we should have some small increase, but it would be very trifling compared with what we should require. From Hamburgh we should get but little, as the greater part taken to that place would be from the Prussian states. My Lords, I do not say that the means of supply in all those places would not be increased after a series of years, but then it must be by the application of capital to the land, which a steady demand for the produce at a remunerating price would insure; but, my Lords, what would then be the consequence? We should then have to pay a high price instead of a low one, and the only advantage we should have gained would be, that if we did get an adequate supply, we should have it at a high rate, for, no doubt, my Lords, the foreign grower would pay himself for the application of his capital, or, which was the same thing, he would make us pay him, and we should have no alternative, for by throwing our own land out of cultivation by want of encouragement we should be at his mercy, and if we did not give his price, we should not have his grain. Let me now, my Lords, say a word as to Russia, on which some of the advocates of no restriction are disposed to place great reliance for a large supply of corn. But, my Lords, a few facts will show that we can place no firm reliance on Russia for a permanent supply. Russia at some times exports largely, at others she suffers grievously from a defective supply. Taking only the last nine years into consideration, six of them were years of bad harvest, and in three years she suffered from actual famine, to such an extent, indeed, that she was obliged to suspend the import duty on foreign corn. My Lords, when we talk of the effect of our Corn-laws and the effect of our partial restrictions, we are apt to forget that other countries have also their Corn-laws. My Lords, it is a great mistake to suppose they have not. Russia has a duty of 13*s.* 4*d.* the quarter on wheat and 4*s.* per quarter on rye, which is the food of the people. Indeed, all European states have some Corn-laws or other, except Prussia and Denmark. My Lords, we hear it constantly urged that it is uncharitable, that it is unchristian, that our artisans should be called upon to compete with the inhabitants of countries which have no tax on corn. This, however, is an erroneous assumption. Prussia has a tax of 12*s.* the quarter on the consumption of wheat, and bread is dearer at this moment at Berlin than in London. This tax is not directly levied on the wheat, but is commuted for a kind of poll-tax on the consumers; but it is in this way a heavy tax on consumers. But, my Lords, I have, and so have many of your Lordships, heard the United States of America referred to as a country from which we might derive supplies of corn. A little examination will show this opinion to be greatly erroneous. The price of corn in many of the States is not much lower than with us. Take, for instance, the average prices in Philadelphia for the last twenty-four years, and you will find that in ten years out of those twenty-four, the price of wheat was higher than in England; and if we include the carriage, we shall find that it was higher there in twelve years out of those twenty-four. I would here refer your Lordships to a publication on this subject in the United States, to show what are the feelings of Americans themselves as to the capacity of their country to afford an extensive supply of corn to other countries. The noble Earl here read an extract from the publication, which was in substance, that,—

"The cultivation of wheat in the states for the last fifty years was carried little beyond the wants of the people and the small amount exported, which export was occasioned by the unusually high demands for it in other countries. The wheat raised in the time mentioned was within that section of the country occupied by the old states, and was about equal to the home consumption. Any surplus shipped to foreign countries or sent to the Canadas was produced by the states north and west of the Ohio river. Now, it is a striking fact that the corn so imported is produced in that section of our country the most remote from our Atlantic ports, and with the aid of all artificial communications, it cannot reach those ports except at a very considerable additional charge."

That goes, I think, to show that from the United States you cannot hope to derive that great supply which the sanguine anticipations of those who are for no restriction at all lead them to expect. I should say, however, that in many parts of the old States of the Union cultivation has exceedingly diminished, and that much of the land now growing corn is very scanty in its production. The paper continues:—

> "Extensive as has been the increased cultivation in wheat, the consumption at home has kept pace with it, and there is little apparent improvement on the average of any ten years in the course of the last fifty years."

So far then we may safely conclude that any idea of relying upon the United States to make up any material deficiency of our home supply would only lead to extreme disappointment. If that be true, this scheme would go to disturb, to interfere with the successful application of capital in our own country to this most important object, and all for no purpose—without attaining its end; and it would, therefore, be running an unnecessary risk; indeed, be a sort of insanity to attempt it. The inference one must draw from these facts is, that it is much wiser, much safer, to rely essentially upon our own produce; and that in order to assure the safety of that reliance, we ought to give protection to that produce. That inference is a fair one; and the next question we come to is, what ought to be the nature and extent of that protection? It is obvious that protection can only be effectually given by some system of duty. That may be either a fixed duty or a duty fluctuating inversely as the price. I am not upon this occasion about to enter into a comparison between those two kinds of duty. My noble Friend opposite (Lord Melbourne) has given notice of his intention on a future stage of this bill to move some amendment which will have the effect of raising that question, and I am therefore absolved at this moment from the necessity of arguing, as otherwise I should be prepared to do, against that scheme, which, I think, like the former I mentioned, could only end in disappointment. I will now proceed to discuss, as shortly as I can, the remaining part of the subject, that is, the principle of protection by a fluctuating duty; and I will then explain to your Lordships the nature of the bill which now lies on the Table. My Lords, with respect to a duty that fluctuates in the inverse ratio of the price, whatever objections may be made to it, whatever defects there may be in the existing law in applying it, and however desirable or necessary it may be, as I think it is, to modify the application of it by a new law, I cannot conceive that there is anything in the slightest degree inconsistent with equity or justice, if we are to have protection at all, in adjusting that protection in such a way that when there is no longer any necessity for protection to the producer, it should diminish so as to give the benefit of lower prices to the consumer. The principle of an *ad valorem* duty which presses according to the higher price of an article, is doubtless unjust; but surely the principle itself of a duty fluctuating inversely as the price, is one that is only just; and the simple question is, whether you can so arrange the scale, and so deal with the application of it, as to prevent the recurrence of those evils to which it may have been and may be liable. I know, my Lords, that it is said that we have had thirteen years' experience of the principle, and that it has totally failed, and that therefore some other principle ought to be resorted to. I confess I cannot see how it has failed. I don't say that there is no defect in it—nothing to be remedied—that it cannot be improved; on the contrary, I think it can; but I cannot admit that the scale, as a principle, has failed. What was the principle of it? It was to give you foreign corn when you wanted it; but to keep it out when you did not. That was the principle of it, and in that way has it been applied during the last thirteen years. It is true that you have imported 1,000,000 of quarters in a year; but that has happened in those periods of the thirteen years when your own supply was not sufficient for the demand, and not when the supply was sufficient and your own prices were exceedingly low. So far, then, from having failed, it proves that the principle has worked according to the views of those by whom the law was enacted. But then I certainly may be asked "If that be your opinion, why do you propose to alter it?" That I admit is a very natural question, and a question that one is bound to answer. But if I am right at all in the view I have stated upon this subject, it is one to which the attention of Parliament must from time to time be directed with the utmost vigilance. My Lords, the interests concerned in it are too mighty to permit the Legislature to abstain from taking, when necessary, an enlarged view of all the circumstances of the case. It does not at all follow that the extent of the protection necessary at one time is as a matter of course necessary at another; and I think it would not be difficult to show, and I will endeavour to show, that the protection which the law now gives is beyond the necessity of the case; but there are other circumstances which must be taken into the consideration of this question. Your Lordships are aware of the great increase in the population of this country since the present act passed. During the last ten years there are upwards of 2,000,000 additional consumers of food—that is the increase in the population; and although it seems to be perfectly clear that the produce of our country has not only not fallen off during that time, but has actually increased, and therefore supplied a considerable portion of the food necessary for that increased population, yet it is also clear from the importation of corn for consumption that has taken place, that it has not supplied the whole; and if there is any truth in the doctrine that the tendency of population is to press on the limits of subsistence, then it is also clear that the circumstances of the case are already altered by that increase of population, and may be still further altered in time to come if that increase goes on in the same ratio. It is right, therefore, to consider this question at an early period, in order that we may not be taken by surprise when the necessity may come. But, my Lords, there is another point which appears to me to make a difference in regard to this case from the period when the act passed. At that time it was assumed and supposed, and reasonably enough I think,—I am speaking of wheat only—that the quantity of wheat which this country might derive from Ireland would not only be very considerable, but would increase. That has not turned out to be the fact, because during the first six of the last thirteen years, the amount of wheat and flour imported from Ireland into this country was, on an average, 658,000 quarters, a very considerable part of our supply, being nearly one-third of the largest quantity of any foreign corn imported; but that quantity has, during the last seven years, diminished on an average to 427,000. That certainly, is a very important feature in this case, and your Lordships will recollect that one of the most strenuous supporters of the principle of the Corn-laws in this House (a noble Lord who is now engaged in the service of the country elsewhere (Lord Ashburton) said last year, that he considered that point of Ireland to be a material circumstance in the consideration of this subject. Now, what does that alteration in respect to Ireland arise from? It has arisen, my Lords, from two causes;—the one I believe to be this—that it has not been found notwithstanding the high prices of corn in this country, that would appear to offer a never-ending stimulus to the agriculturist in Ireland—it may arise from climate, or from some other cause, I know not but it has not been found so profitable in Ireland to grow wheat for this country as oats. But, my Lords, there is another cause. The consumption of wheat in Ireland, although the production of wheat there is in some respects diminishing, for at all events the surplus is diminishing, is in many parts of the country greatly increasing. It is, my Lords, a most fortunate circumstance. Who can regret that in that country, which has suffered so many evils, the comforts of the people should be increased, and the quality of their food be so much improved? It certainly cannot be considered a misfortune; but it does tell upon this country. Some of your Lordships will recollect the time as I do, when a great portion of the people of this country were not supported on wheaten bread, but lived upon bread of barley or rye. That has been greatly altered. The consumption of wheat is much more general amongst the people, and we may naturally think that the same process will go on in Ireland, until at last, in all probability, there will be little or no surplus to export to this country. I say that that is a matter which justifies us in taking the subject of this law into consideration at the present time. I am perfectly prepared to admit that in the working of this law there are defects which ought to be corrected, and the correction of which, so far from inflicting any evil upon any class of the community, above all, so far from inflicting any evil on the producers of this country, will tend to confer the greatest benefit on them. ["Hear."] My noble Friend, Lord Stanhope, perhaps does not agree with me in that, but he will excuse the liberty I take in stating how I think that is established. One defect of the present act is, that which I suspect my noble Friend thinks one of its beauties, viz., that the protection is most extravagantly high. What can be the advantage of a higher protection than is ever brought into operation? The only effect it can have is to injure the principle of protection itself. If you attempt to establish a protection which is not necessary, you go far to injure the principle itself, and destroy the advantage you should derive from it. My Lords, I have reason to know, and so as any one who has had any communication with persons who are competent to form an opinion upon this subject, that there is a general opinion in this country, that the protection of the present law is too high, and not necessary. That defect, in my opinion, should now be remedied. Then, my Lords, there is another objection, and a very strong one, I believe, to the present law—viz., the rapidity with which the duty varies. Your Lordships will recollect, that in the bill which came up to this House in 1827, into which this principle of a graduated scale was first introduced, but which, from circumstances to which it is not necessary to advert, did not pass into a law, the fluctuations were not so rapid as in the law as it now stands. I had the honour of proposing that bill to your Lordships' House. It was very vehemently opposed by some noble Lords, but the House acquiesced in the principle of it, and all the details except one. There was a clause introduced which, though it did not affect this question of the amount of duty, did affect another part of the bill, and which led to its not passing into a law; and on the following year the present law was passed. But that which has been described by some as a jumping scale is undoubtedly a great defect, because when the prices are rising towards the ultimate point, the difference of duty becomes so great, and the temptation to wait until the low duty price is reached is so strong, that the holders of corn are induced, for the sake of greater gain, by getting their corn out at 1*s.* duty instead of a duty of 10*s.* or 12*s.* to keep it until the last moment. It also induces persons to try what effect they can produce upon the average prices which regulate the amount of duty, by operating on them in different markets of the country wherever they think that that dealing can be carried on with any chance of success. I think that that unquestionably is a very considerable defect in the existing law, and the way to correct it is to correct the great inequality of duty at certain points of the scale, and to make the fall much more gradual, thereby taking away almost the only temptation to hold corn until the price arrives at the ultimate point. Your Lordships will find in the papers before me that with regard to wheat, very little comparatively has been taken out for consumption when the prices were rising, and that that has been the consequence of the great difference between the points of the scale to which I allude. But this same jumping scale does not apply to barley and oats; and with respect to those kinds of grain, you will not find the same result. In those grains the highest point of the scale has never been reached, except in one or two instances, and therefore in that case the principle of the existing law operates much more advantageously than it is proved to do with respect to wheat. I have alluded, my Lords, to the question of the averages. That certainly is a point upon which there is always a great deal of sensitiveness exhibited, and perhaps with some reason, though not so much as may appear to some persons. No doubt this system of averages is liable to objections, cogent objections. But I think they have been over-estimated, and that by the mode in which we propose to deal with that subject, they will be entirely removed. The first and best mode of removing them is by removing the temptation that now exists with regard to them; and I think that the new scale which we propose will take away that temptation of raising the prices to the highest point in the markets in order to obtain the lowest amount of duty. In the next place, we propose that they should be taken by a different class of persons, by which I think greater security will be given to transactions of business, and more care taken that frauds, or whatever else they are called, may not be so easily committed as they have been up to this present time. And then, my Lords, we propose what I think is a most important improvement,—namely, the extension of the number of towns from which the averages are taken. It is quite clear, that the wider you make the basis from which the averages are taken, the difficulty of effecting fraud is the more increased, because the progress is of this kind:—it is attempted solely in great markets, where the quantity returned is generally very large, the prices generally high, and the application of the quantity and price to the formation of an average must be effected by an artificial addition to the prices returned. The question has been asked as to what is likely to be the effect on the prices in consequence of including these new towns. I cannot see very well how any sensible effect can be produced, unless the quantity and price in the new towns are mainly higher or lower than in the present towns. For instance, if it were supposed, that the effect of these new towns would be to raise the price 5*s.* in order to bring about that additional price, the total amount of price in the new towns must exceed the price in the old towns by not less than 10*s.* Suppose they were pretty equal in number, and the quantity sold in the new towns was pretty equal; then, in order that these new towns should affect the prices of the averages, it is necessary that the additional price beyond that of the old towns should not be less than 10*s.* That objection, then, has obviously no foundation at all, and, I think, it is generally admitted, that no such effect is likely to be produced. If that be correct, we should gain the advantage of a just statement of the actual sales of corn throughout the kingdom, without introducing any principle to which any objection can possibly be made. I am afraid I have trespassed too long on your Lordships' time in these preliminary observations; but I thought I should not be doing my duty if I had abstained from making them, in order that your Lordships may better understand the proposition I am about to make, and see how far anything I have stated or the reasons I have given may support the adoption of that measure. The proposition, then, which I have to make to your Lordships is this, that instead of the duty increasing to any amount not defined, the highest amount of duty in the importation of wheat shall be 20*s.*, and shall attach whenever the average price of corn in this country shall be under 51*s.* It is proposed also, that it shall diminish 1*s.* for every 1*s.* increase in price, with two exceptions in the course of the process—that is, that when it arrives at 52*s.* and is under 55*s.*, embracing three stages at each, of which the price will rise 1*s.*, then the duty shall be the same—namely a duty of 18*s.*; because, assuming 56*s.* to be about a fair remunerating price for wheat, this was considered to be a fair advantage to give to the producer. After which it is proposed that the duty shall diminish 1*s.* as the price rises 1*s.* till the price reaches 66*s.*, when it is proposed to make the duty 6*s.*, embracing three stages, the object being to diminish the temptation to hold back corn till the highest point is reached, and to induce persons to abstain from holding back under the expectation of gaining a greater benefit. Now, as to the remunerating price: my Lords, it is a difficult thing to say absolutely what is to be considered a remunerating price; but some aid may be gained by considering the price which wheat has reached, combined with our own opinion, for the last thirteen years. Now, for the last thirteen years, the price has been something more than 58*s.*; so that something between 56*s.* and 58*s.* or 60*s.* would be likely to be a price that will afford a reasonable remuneration, and the maintenance of which is necessary for the protection of the agricultural interests of the country. I have reason to believe that as to wheat, the price is considered to be a fair one, and I do not find it has been a subject of material complaint, and I think it may be presumed to be satisfactory to the country; but I am aware that with respect to barley and oats, a different opinion is entertained, and it is supposed that the protection is very inadequate for these two important grains. Now, the principle we have endeavoured to observe in fixing the duty on barley and oats is to adhere as nearly as we could to the principle of the existing scale. Wheat being at 50*s.*, the duty is 1*l.*; barley being at 25*s.* the duty is 11*s.*, rather more than half. Formerly it was supposed that the duty on barley might be taken at half, and therefore we considered that the making barley equal to about one half, in proportion to wheat, would be sufficient. And, on the same principle in a part of this scale wherein the average price of barley is 27*s.* and under 30*s.*, the duty is proposed to be fixed at 9*s.* Now, it is supposed that this duty on barley will expose our agriculturists to a most ruinous competition with foreign barley. I confess that, looking at the facts, I cannot see any grounds for entertaining that apprehension. I am afraid, my Lords, I weary you by these details; but they will be necessary at some stage of the discussion, and, perhaps, they are better entered into now. It appears, with regard to barley, that it has been assumed that it could be put on board ship in a foreign port at 19*s*, 6½*d*. per quarter; but before it could be brought here, there must be an addition to that price, of freight and charges of many descriptions, and it is impossible to take these at less than 4*s*. 6*d*. or 5*s*.; so that the total amount of the charges would raise the price of the foreign barley to 24*s*. or 25*s*. It is clear, therefore, that if this be the case, the protection given by this scale is sufficient up to any price short of 31*s*.; and I cannot see anything to induce me to think that the protection is not an adequate one, looking to what we before considered a sufficient protection to barley. But the whole bill proceeds upon the principle of diminishing protection; and, therefore, the question must be urged by those who object to the whole scheme, and cannot be an objection in the opinion of those who are disposed to admit that a reduction of protection should take place. In the bill of 1827, which did not pass into a law, the protection proposed, though a great deal higher when the prices were low, at this point did not differ very materially from that now proposed; from 31*s*. to 32*s*., the duty was to be 8*s*. 6*d*., whereas, by the present bill, it is only 7*s*., being a reduction of only 1*s*. 6*d*. a quarter. I cannot, my Lords, see that that this scale of duty can give rise to any well-founded apprehensions. I have heard a great many people say, that we shall have a large quantity of foreign barley brought into the country; but, my Lords, I have not heard any part of Europe named whence an increased quantity of barley is likely to be imported, except the small country of Denmark. But Denmark is a country of extremely limited extent and capacity, and whilst her power of production is limited, her population is increasing, so that her own demand is augmenting; and it does not appear to me that any apprehension need be entertained, even supposing that a few thousand quarters of barley may be brought from this small country. It is clear, if the effect of this bill be, as we expect, to produce an increased demand, that it will increase the price of barley in the country. It is not improbable, supposing that there is any weight in the argument as to the effect of the bill, that there will be an increased demand, which will lead to an increased price; so that the protection would not be inadequate, but, on the contrary, under the circumstances, will be found quite sufficient. With regard to Germany, whence also some barley is expected to be imported, the grain in the north of Germany is by no means of a superior quality, and from the nature of the soil is not likely to be increased in quantity; and it is stated that Prussia could not grow good malting barley, if at all, without going through an expensive process of improving the soil. In south Germany they do not grow barley for exportation; the consumption of it is very great for beer. Immense quantities of barley are grown in Bavaria; but there is no chance of any being sent into this country thence, the expense, besides the duties, of sending it down the Neckar to the Rhine, and from the Rhine to Holland, whence it has to be shipped, affording an ample protection, in addition to the duty, to our agriculturists. Much the same observation may be made with respect to oats. I think all apprehensions as to the quantity of oats likely to be imported, and the thousands and thousands of acres that will be thrown out of cultivation, are entirely groundless. Under the most favourable circumstances there could not be more than 800,000 quarters introduced; once the quantity has been 900,000 quarters, sometimes 500,000 and 600,000, and sometimes none at all; and when I find that the quantity of oats consumed in this country is 15,000,000 quarters, and that it has a protecting duty of 6*s*. up to 23*s*., I cannot conceive that this is not an adequate protection to those whose industry is employed in this branch of cultivation. I believe I have now stated to your Lordships enough to show the nature of this measure; I have laid before you many of the grounds on which I think it to be a measure which you will do well to pass; I have stated the reasons which induce me to believe that the fears entertained of it are all chimerical and fallacious, and I do not think it necessary to do more than express my confident belief and hope that the measure will work beneficially for all classes in the country. This is the sole object which those who framed it have in view, and if they could have been guilty of the crime of endeavouring to deceive the people of this country upon this subject, I can only say, that they would be guilty not only of the most miserable, as well as the basest, political offence of which a Ministry could be guilty, but they would commit an act of inconceivable folly. The people of this country are too quick-sighted and too enlightened to be so deceived; they are capable of judging of measures and of the motives of those who bring them forward, and with a firm reliance upon their sense of justice, and upon their construction of the motives which actuate the Government and the Legislature, I am convinced that this bill will be received by them as a satisfactory adjustment of this great question. We, my Lords, have done our duty in preparing this bill, and Parliament will, we hope, do its duty in passing it.

Earl *Stanhope* said, it was singular that some of those who had originally recommended the existing Corn-law, and had stated that it was perfectly unexceptionable in its mode of operation, should now come forward to propose what they themselves admitted (he quoted their words) to be a very considerable reduction of the protection which the Corn-law afforded to agriculture. The sliding-scale was no part or parcel of the principle of the Corn-law; it was only one of the modes—it might or might not be the best—of executing the principle of the Corn-law—that is, of affording protection to agriculture: he would show presently what sort of protection was now offered—a sliding-scale equally pernicious with a fixed duty. He concurred in the opinion which the noble Viscount opposite (Viscount Melbourne) had expressed in his speech in 1840:—

> "My noble Friend carefully abstained," the noble Viscount observed, "from saying what it is that he means to do—whether his object is to have a fixed duty, or a diminution of the present ascending and descending scale; but whichever of these alternatives be his plan, as I see clearly and distinctly that the object cannot be carried without a struggle—without causing much ill blood, and a deep sense of grievance—without stirring society to its foundations, and leaving behind every sort of bitterness and animosity. I do not think the advantages to be gained by the change are worth the evils of the struggle by which, your Lordships may depend upon it, the change could alone be effected."

An appeal had been made to the country on this subject, which had returned a most triumphant majority, exceeding the most sanguine expectation of the party opposed to the noble Viscount, and pronouncing the opinion of the majority of the country to be in favour of protection to the agricultural as well as other interests. The conservative candidates bore on their banners that they were friends to agriculture; the defence and preservation of the Corn-law were the watchwords of the party; promises and pledges were given in profusion, and, on the eve of the election, the right hon. Baronet now at the head of the Government, in addressing his constituents at Tamworth, said:—

> "I deprecate a struggle on the subject of the Corn-laws, because I think, as Lord Melbourne did last year, the advantages are not sufficient to counterbalance the risk, and I ask your free suffrages with this frank and explicit declaration of my opinions."

Frank and explicit! He saw no frankness here, for he never recollected to have read a sentence that had less. He did not mean to make any verbal criticism, but what was to be understood by "advantages"? Were they the advantages of maintaining the present Corn-laws, or of altering or abandoning them? It was utterly unintelligible if it was meant the advantage of altering or abandoning the present Corn-laws; it was inconsistent with all the right hon. Baronet's previous opinions. If it was meant the advantages of maintaining the present Corn-laws, what was intended by their not being "sufficient to counterbalance the risk?" What risk did the right hon. Baronet incur with an immense and overwhelming majority in both Houses of Parliament ready to support the Corn-laws? He deprecated a struggle—with whom? With the Corn-law league? With the landed interest? It would have been very convenient if the right hon. Baronet had been a little more frank. He need not have informed his constituents at Tamworth what his plans were, but if he had only given them a hint that he intended to make a very considerable diminution of the present protection to the home grower—that the importation of cattle was to be encouraged—it would have had the effect of relieving himself and his Colleagues of the cares and anxieties of office. He saw before the close of the last Session of Parliament, clear and unequivocal symptoms of a determination to make a considerable alteration in these laws. [Lord *Hardwicke*: "Why did not the farmers see it?"] They did not; if they had seen it, things would have taken a different course. Those who had prepared this plan, who had given every possible encouragement and excitement to clamour, had now produced disaffection and discontent amongst the whole agricultural class, and they had lost, and for ever, the attachment of their own political adherents, who might continue to support them, not from attachment, but in order to exclude another party from office. He should not waste the time of their Lordships in saying anything of some of the Minister's adherents; he resigned them, without comment, to the castigation they would be sure to receive from their constituents, whose interests they had deserted, and whose confidence they had betrayed. The noble Earl who had last spoken had avowed, that no satisfactory information had been obtained on the subject, that alone was a sufficient reason for obtaining it by means of a parliamentary inquiry, and till it was obtained no step should have been taken. There was a misapprehension as to the prices of corn abroad. Some supposed because of late years prices were usually high on the continent, as in this country, those prices were to be considered the ordinary prices. There was no precise information since 1827. According to the returns of the British consuls, the average of the prices in 1825, at eight ports in the north of Europe—namely, Copenhagen, Memel, Hamburgh, Konigsberg, Embden, Libau, Rotterdam, and Dantzic, was 18*s*. 7*d*. per quarter. He had a petition presented from the Holderness Agricultural Society in 1827, which stated that at Hull, good wheat in bond was sold at 24*s*. per quarter. Mr. J. Sanders, of Liverpool, stated, in 1836, before a committee of the House of Commons, that he had seen wheat for eight or nine years together, during the last twelve years, produced at 18*s*. or 20*s*. a quarter, and he added—

> "If the foreigner had always access to this market, no man can say at what price he will not grow wheat."

Mr. Hayne stated, that at Odessa wheat might, in May last, have been purchased at 14*s*. to 16*s*. per quarter, and that the freight thence amounted to 12*s*. per quarter, making the total expense 26*s*. or 28*s*. per quarter last year. He had imported "as fine a cargo of wheat as possible," which, including all expenses of freight, &c., cost 27*s*. per quarter. That statement exactly corresponded with the opinion recently given by two eminent corn-factors at Liverpool, who stated, that under the proposed law, after one or two favourable harvests, the average prices would be 46*s*. or 48*s*. per quarter. In the speech of the noble Earl he had admired the ingenuity with which he glided over the most important parts of the bill connected with the reduction of the duty, There was a decrease of duty between the prices of 55*s*. and 65*s*. of no less than 1*l*. 4*s*. 8*d*. a quarter. The present average duty from 55*s*. to 66*s*., both inclusive, is 1*l*. 16*s*. 8*d*.; it is now proposed to reduce the average duty between these prices to 12*s*., being a reduction of 45 per cent., and which could not be made without most injurious consequences to the agricultural classes. He denied that the present protection was extravagantly high. A letter from Mr. Gladstone, dated the 26th of May last, states, that—

> "In the last and present month large quantities of foreign wheat have been freely imported and entered for consumption at Liverpool and elsewhere, paying a duty of 22*s*. 8*d*. per quarter, and leaving a fair profit to the importer."

It was now proposed to reduce the duty from 22*s*. 8*d*. to 8*s*.; and it was said that this would inflict no injury on the agriculturists, and that they ought to look upon it as a considerable boon and advantage! His noble Friend in speculating on the probable consequences of the present measure, supposed, without condescending to give the slightest ground or reason for his supposition, that the proposed sliding-scale would have the effect of giving a protection up to a point when the price of wheat should be between 54*s*. and 58*s*., say at 56*s*. He should very much like to know the grounds of this supposition; for he declared that the proposition was utterly untenable. So far from this proposed measure giving the farmers a protection up to 56*s*., which, as he should presently show, would be inadequate, it would not after favourable seasons give a protection up to 50*s*. Their Lordships were bound to consider what was a remunerating price to the British grower. This was a point which his noble Friend had passed over with perfect silence, as if it was a matter of no consequence. He would not detain their Lordships by reading agricultural details about ploughings and harrowings; but he knew, that in a part of Buckinghamshire, and that not the worst, corn would not bring a remunerating price unless it was sold in the market for 60*s*. per quarter. The proposed measure, therefore, would have the ultimate effect of annihilating rent; and with the cessation of rent there would be a cessation of consumption and expenditure; and he would leave their Lordships to judge what effect this would have on the other classes of the community. He did not believe that the land would go out of cultivation. Whether prices were reduced to 50*s*. or 40*s*., he did not believe that the land would relapse into a state of nature. It would be cultivated for the consumption of those who owned, occupied, or tilled it; and any of these three classes, if they wished to have other articles not produced by that land, would procure them only by barter. The consequence would be the entire subversion of the whole system now established, the annihilation of all public and private trading, and at no distant period, a national bankruptcy. Another assumption of the noble Lord was, that the present protection afforded by the Corn-laws was extravagant, and that it might be diminished without inconvenience or injury to the agricultural interest. His noble Friend had not, however, supplied the House with the smallest proof, or shadow of a proof, of this assertion. It might have been fair to argue in 1828, when the present law was introduced, that a less amount of protection was requisite then than in 1815; and for this obvious reason, that that monstrous and destructive measure known by the name of Peel's Bill was not in existence previous to the latter year. When that measure was brought forward, a statement was made that it would lower prices 3 or 5 per cent.; and the author of it either had not the wisdom to learn or the candour to avow the consequences it had produced. However, another individual, who was looked to as a great authority by a class of persons for whom he had no respect, viz., the band of political economists—he alluded to the late Mr. Ricardo—had the manliness to avow that the fall of prices, instead of being from 3 to 5 per cent., had been from 30 to 50 per cent., and if he had known that, no power on earth should have induced him to support such a mischievous measure. But there had been no measure since 1828 which had diminished what was considered the remunerating price, which was admitted on all hands to be for wheat 60*s*. the Winchester quarter, or 62*s*. according to the new fashioned or imperial measure. He was aware that improvements had been introduced in agriculture; but by whom? By the landlords or the tenants; and those improvements might have been accompanied by considerable expense, which had been provided for out of the pockets of the landlords and tenants. With what show of justice, then, could they attempt to reduce the price of wheat and the profits of the agricultural classes, without any reference to those expenses. He most earnestly exhorted their Lordships not to trample on the rights or disregard the interests of others, if they expected their own rights and their own interests to be respected. His noble Friend had stated the average price of wheat at 58*s*. per quarter during the last thirteen years; but his noble Friend could not certainly be aware that from 1833 to 1836 the price of wheat in this country was so ruinously low that, there was a Parliamentary inquiry into the cause. If his noble Friend separated from those thirteen years the three years from 1833 to 1836, when the price of wheat was respectively 46*s*. 2*d*., 39*s*. 4*d*., and 46*s*. 6*d*., or, on an average, 44*s*. 8*d*., which no man would be bold enough to maintain to be a remunerating price,—he would find that the average price had been since 1828, 62*s*. 7*d*. per quarter. His noble Friend at the commencement of his speech seemed to argue that an entire free-trade in corn would be an advantage if it were practicable, and that a low price of corn was *per se* a benefit. He would answer his noble Friend with his own words. To use the language of Holy Writ, "Out of thy own mouth will I condemn thee." His noble Friend could not have forgotten the joy and exultation he expressed—naturally enough—at that universal prosperity and satisfaction which pervaded the country in 1825. Would to God that other Sessions of Parliament might open under similar auspices! His noble Friend was one of those Ministers who advised the King in 1825 to address the Parliament, assuring the Members of the Legislature, "That there never was a period in the history of this country, when all the great interests of the nation were at the same time in so thriving a condition, or when a feeling of content and satisfaction was more widely diffused through all classes of the British people."

Some persons might naturally inquire, what could have been the price of corn when his noble Friend advised such a speech to be delivered? and might conceive it must have then fallen below 40*s.* per quarter. This was not, however, the case. At that time the average price of wheat was above 66*s.*, and had during the preceding year been 62*s.* per quarter. The encouragement proposed to be given by the Government measure to agriculture was comparatively much lower than had formerly been given by the patriotism and wisdom of their ancestors to the cultivation of the soil. He would refer to the statute the 22d of Charles 2nd, cap. 13. The average price of wheat for the ten years preceding the passing of that act was 44*s.* 9*d.*, being a higher price than was presented by the average price of the years 1834, 1835, and 1836; and a considerably better price when the comparative value of money and the weight of taxation was considered. This statute of Charles 2nd, was passed professedly for the encouragement of agriculture, and it enacted that when the price of wheat was at 55*s.* per quarter and under, the duty should be 16*s.* 6*d.*; and the duty now proposed at 55*s.* was 17*s.*; so that the only increase of protection which the noble Earl and his Colleagues now thought necessary for agriculture, notwithstanding the enormous, unparalleled, and almost incredible amount of the burdens of the country, was but an additional sixpence on the quarter. His noble Friend having evaded the question of what was a remunerating price, had endeavoured to establish the principle of a maximum price for corn. What was this but the enactment in a different form of the maximum law which prevailed in France? Many of their Lordships might be old enough to recollect, and they all knew from history, what were the consequences of this maximum law. The farmers did not, would not, could not send their corn to market where it must be sold, according to law, at a price at which it was ruinous to produce it. They refrained as much as possible from frequenting the markets in towns, and there arose in that unhappy country a long-continued famine, which by infuriating the populace was the prime moving cause of all the atrocities which disgraced and desolated that country. And here he asked the noble Earl who opened the present debate, or any of his Colleagues, for a frank and explicit answer to this question—under the operation of the proposed law, did they or did they not expect large importations? Did they or did they not expect a large or a small reduction of price? He would meet them on either alternative. If they expected small importations and an inconsiderable reduction of price, what then would be the advantage to the consumers, if that class must be considered separately? If, on the contrary, they expected large importations, which would be very profitable to the revenue and very acceptable in its present dilapidated state, had they considered what must be the necessary effects produced, not only on agriculture, but on all the other branches of productive industry, which have all one common interest in preventing the competition of foreigners in the home market? Had the Government at all contemplated the effects produced by enormous importations of foreign corn, either under the present law or any other law? Had they not seen that the effect of a considerable importation of corn was a considerable exportation, not of manufactures, but of specie? Even under the present Corn-law—under that extravagantly high protection, as it was now represented to be—the treasure in the Bank had been reduced from 11,000,000*l.* to 3,000,000*l.* or 4,000,000*l.*; and it was very inconsiderable at present. If this state of things were continued, and the effect increased by the passing of the proposed Corn-bill, and the new tariff, it would be utterly impossible (and he referred on this point to the evidence of those who thought free-trade "a consummation devoutly to be wished") for the Bank to continue payments in specie under such circumstances. The proposed measure was not, as the noble Earl said, considered a fair arrangement as respected wheat. All who were practically acquainted with the country knew that the scale as regarded wheat would be destructive of their interests. But then they were told in homely language, that "half a loaf was better than none," and that it would be advisable for them to accept the proposed terms.

What reason was there to hope that these terms, bad as they were, would be final? Any such expectation must be destroyed by the declaration made by the right hon. Gentleman the Secretary for the Home Department, who took occasion to state more than once that he desired it to be understood that the proposed measure should not be considered as final. The farmers were told they must accept these terms, as they would get no better. He should like to know on what grounds the agricultural class were to be considered as criminals, and why they should be glad to accept any commutation of their sentence? He rejected altogether all overtures for compromise, and he would say, "No surrender," as had been said by another person in another place—by a noble Duke who had shown his patriotism and public spirit at a time when both were nearly extinguished in this country, by preferring principle to place, and whose consistency in opinion and conduct would for ever endear him to the country. If they could prove that the protection was excessive, let it be diminished; if they could prove it unreasonable and unjust, let it be entirely withdrawn. He, for one, solicited and accepted no compromise on principle. He was not one of those who advocated the doctrine of expediency. There were cases, and the present was one, where extremes met. The farmers were not to be deluded into the notion that by the operation of this bill prices would be kept up to 56*s.* or 58*s.* Let them have a free-trade, accompanied, as the noble and learned Lord opposite had argued, by a free-trade in all manufactured articles. He threw down the gauntlet. He dared them to the attempt, Let them try it, and there would be raised in the country such a storm of fury, indignation, resentment, and vengeance as would scatter to the winds, annihilate, and destroy the advocates of free-trade. When he said "destroy," he did not, of course, mean physically—he did not, of course, mean to offer his noble and learned Friend to the physical vengeance of the mob. It might be said, if these observations were well founded, why had not many petitions been presented in their support? But from the contempt with which those expressions of public feeling were treated in that enlightened and patriotic assembly—the House of Commons, and the neglect with which they were treated even by their Lordships, the people had become weary of petitioning. There was also another reason which had been avowed as a sort of apology for listlessness under the deplorable and unexpected change in the conduct of those now in power, and that was this—the farmers were unwilling to petition or openly oppose these measures, lest they should overwhelm the present Administration, and reinstate their political adversaries in the government of the country. He must, however, observe, that when a man was sentenced to death, it did not much import to him whether the executioner were a Whig or a Conservative; and to carry the simile a little further, if he should be sentenced to have his head cut off, whether the instrument employed for that purpose should be a guillotine or an axe—a sliding-scale, or a fixed duty. As far as the agricultural interest was concerned, judging from the experience they already had, he should wish to know what worse could befal them if the former Ministers were restored. He took it that any House of Parliament that would reject the present Corn-law upon the ground of not affording sufficient protection to agriculture would resist as effectually the alternative of a fixed duty or free-trade in corn. He was grieved to say that nothing but mischievous measures had yet been propounded by the present Government, and he should steadfastly resist not only the Corn Importation Bill, but also the new tariff. He hoped it would not be thought that silence indicated consent. A distinguished statesman in another place observed, with reference to the silence of the agriculturists, *dum tacent clamant;* but if they were silent, and he spoke not unadvisedly, or without sufficient authority, their silence proceeded from a conviction which every day grew deeper, and with which he himself was conscientiously impressed, that they were, according to the celebrated expression of Prince Talleyrand, "at the beginning of the end," and that the end itself was not far distant. The signs of the times were written in such large and legible characters that those who ran might read them. It had been upon several occasions his painful duty earnestly, though perhaps weakly—sincerely, though ineffectually—to warn their Lordships of the inevitable consequences of the system which had been so long pursued in this country under Tory, Whig, and Conservative. The end was not far distant; it would be accelerated and aggravated by such measures as that now under their Lordships' consideration. He would entreat them once more, at this twelfth hour, to ponder the consequences of their conduct, and to consider whether if they should be found to be the tree that bore bad fruit they would not be hewn down and cast into the fire—whether, if they thought that their duty consisted merely in registering ministerial edicts, the example given in the Commonwealth would not be renewed—again voting them an useless body, and one that ought to be abolished. Whatever might be the result, he believed it would be far more fearful than many of their Lordships anticipated; in his conscience he believed it was now at the very threshold of their doors; and the first French revolution, with all its confiscation and atrocities, would afford but a feeble and inadequate representation of its horrors. He, through good report and through evil report, and if with weak talents, at least without any objects of personal ambition, would as heretofore endeavour to do his duty to his country—neither asking, wishing, nor wanting anything which any Government could give. He now moved that the bill be read a second time this day six months.

The Earl of *Hardwicke* felt that in addressing their Lordships on this occasion he was altogether inadequate to do justice to the subject, and he did so more for the purpose of justifying the vote he was about to give, than in the hope of being able to add anything new to the arguments and illustrations which had formerly been adduced on the different occasions when this most important topic was discussed. He was not one of those who, in advocating this measure, was influenced by those feelings of apprehension alluded to by his noble Friend, lest their rejection of it might overthrow the present Government, and reinstate noble Lords opposite, who, however estimable in private life, could not, from the democratic character of their supporters, conduct the Government as they might wish. He supported this measure from no such fear. He supported it because he thought it a good measure—because he thought it just—and because he thought it would do no injury whatever to the agricultural interest. His noble Friend who last addressed their Lordships had, in the course of a most discursive speech, travelled a little out of his way to assail a right hon. Gentleman, the Prime Minister of the country, charging him with what would undoubtedly have been a most grave offence—namely, deceiving the people for the purpose of getting possession of power.

Earl *Stanhope:* I made no charge whatever of that sort. I commented on the address of the right hon. Baronet to his constituents; and if the noble Earl had done me the honour to attend to those observations, he would have found that they might have been interpreted in both ways. I do not deny that the general impression in the country arising from the right hon. Baronet's previous declarations was, that he was a zealous and true friend to the existing Corn-laws; how he may now be considered so, I have no doubt my noble Friend will be able to explain.

The Earl of *Hardwicke* was very glad he had given way to his noble Friend, for undoubtedly if his former statement had gone forth to the public as the deliberate opinion of a person of his distinguished talents and high rank, it would unquestionably have done great injustice to individuals; but it would have operated prejudicially rather to the noble Earl himself than to the character of his right hon. Friend. The noble Earl said the expressions which had been used might be interpreted both ways; but he would venture to assert there was only one way of interpreting them—namely, that his right hon. Friend was determined to adhere to the broad principle of the sliding-scale, reserving to himself, however, the power of making any alterations he thought fit. Nay, more, he believed this was well understood throughout the country—among the farmers themselves. In the county with which he was more immediately connected, the agriculturists felt that the Corn-laws were in an unsettled state, and were considering the changes which it would be fit to make in them. He himself had propositions made to him by Gentlemen whom the noble Earl knew perfectly well, having presided over them in the town of Cambridge—propositions, too, which reduced the duty by the sliding-scale; therefore it was not only by the Government that the notion of a change was entertained; the country generally felt that some alteration in these laws had at length become necessary. He did not mean to trouble their

Lordships with any observations relative to the effect of the existing Corn-laws in contributing to the welfare and independence of the country; he did not mean to say one word with regard to the fluctuations caused by the sliding-scale; but he would say this, after the decision pronounced by the House of Commons, their Lordships were not left to form an opinion as to whether they would alter the Corn-laws or not. They might reject this bill, but the question as to alterations in the present system was settled and determined by the voice of the country. No Corn-law could be so bad, no protection could be so inadequate, as that which was always questioned and debated. That which was always agitated was never satisfactory; and, although it might afford some protection, it was not the sort of protection he wished to uphold. For this reason it had been thought right to endeavour to modify the present law in such a way as might render it more acceptable to all classes of the community,—the superfluous protection that unquestionably existed being brought down to something more consonant with the views of the consumers and the degree of protection to which the agriculturists were entitled. If the present bill passed into a law, they would get rid of all the odium which attached to the present system, and the agriculturists would have a better protection, because the community would be better satisfied; while in the actual working of the law no material deterioration would take place. With regard to the bill itself, he was prepared to show that no deterioration in the price of agricultural produce would be the result. He would not support the present measure if he were not perfectly satisfied in his own mind that it would make no difference whatever to agriculture. The average price of corn in this country from 1660, including those years in which the Corn-laws were altered, which were always years of depression, although at times the price had been 45*s.* and under, still the average was 57*s.* 1*d.* This satisfied him that even supposing a very material alteration in the Corn-laws to take place, so great a change in the price of the article as by some was apprehended could not be the result. For himself he believed that no deterioration would take place. Thus, when the price of corn was 56*s.* the duty on importation would under the present bill be 16*s.*, and the price at Dantsic, the cheapest port, was 40*s.*, which, with 4*s.* for expenses of shipment, made the price of foreign wheat 60*s.*, without reckoning the charges in this country arising from landing, carting, and perhaps redressing. But at 60*s.* the importer would loose 4*s.* per quarter when the price of English wheat was 56*s.*, and therefore he would not come into the market at all. Again, when the price was 57*s.* the duty would be 15*s.* The price at Dantzic was 40*s.*, + 15*s.* duty, + 4*s.* charges = 59*s.* Here, also, there would be a loss of 2*s.* per quarter on the introduction of foreign wheat, and the importer would not come into the market. In fact, the present law protected the farmer up to 66*s.* per quarter. It appeared from the Parliamentary papers, that the quantity of foreign corn imported into this country during the last thirteen years was 11,322,000 quarters, of which 9,500,000 had been admitted when the price stood at 70*s.*; eighty quarters out of 100 had come in at a duty of 6*s.* 8*d.* He did not see anything in the present bill which would alter this arrangement; he did not see why the corn-dealer should not do just the same thing under the new law as he did at present—that was, hold back his corn until the price became high, and he could introduce it at a moderate duty. It was his conviction that the alteration in the law would make no change injurious to the farmers; the effect would remain exactly the same as regarded their real interest; but the surplus and absurd protection which existed under the old bill would be got rid of. That was his reason for supporting the measure. With regard to barley, the selling price of that grain in this country was 30*s.* a quarter. The duty by the new bill would be 9*s.* at that point. 9*s.* + 19*s.* 6*d.*, the price of the foreign grain, + 4*s.* for charges on importation, would bring the price at which it could be imported to 32*s.* 6*d.*, so that the importer would lose 2*s.* 6*d.* It was not necessary for him to trouble their Lordships with more calculations of this kind; the same principle would be found to hold good throughout; but he would ask their Lordships to observe, that in making the calculations he had read to them, he had wholly omitted all charges which would be incurred in this country. There would be in addition the expense of unloading the vessel, of carting the corn to the place at which it was sold, and, he thought most likely, of re-dressing it, besides the profits of the importer. Therefore, he thought he answered that opinion of his noble Friend with respect to the ruin that would be inflicted on agriculture by the bill before their Lordships in a manner as full and as satisfactory as could be thought desirable. He perfectly well knew that in speculative matters precise and exact calculations were out of the question, but at the same time he believed their Lordships would not be led much astray by using the documents before them, and it was a very great satisfaction to him to find himself able to give his warm and earnest support to Government on this measure, not from the fear that anybody else would take possession of their power and places, but from the firm belief he entertained that agriculture was entirely and perfectly protected; so much for this portion of the enactment, which was the most important one. He should like to say a word on a subject passed over by his noble Friend who opened the debate—the effect that would be produced by a fixed duty of 8*s.* a quarter—and he would take the same data for his calculation as in the former instance. His objection to a fixed duty was chiefly and simply this—that he did not think it a maintainable duty. In times when a bad harvest made prices high, he was perfectly sure that it would be swept away; no protection at all would be left, and the agriculturist would be at the mercy of the Executive Government, to be dealt with as they might please. A clamour for the repeal of the duty would be raised through the country, and no government would be in a position to maintain it—not because they would not wish to do so, but because they would not have the power. In times of pressure, in short, there would be no protection at all. Taking the price of corn in this country at 56*s.*, and the duty at 8*s.*, the price of imported corn would stand thus: 8*s.* + 40*s.* the price at Dantzic, + 4*s.* for charges of freight, would bring the price to 52*s.*, giving to the importer a gain of 4*s.*, when the home price was at 56*s.* At that point, therefore, there would be no protection with a fixed duty. He remembered that the farmers of Cambridgeshire stated in the petition to which his noble Friend had adverted, that they could not possibly live unless they were certain of 60*s.*, a price which they had never obtained at any period of their lives, for they never had had 60*s.* under any averages. He could say that a people more regular in their habits and more satisfactory in all their dealings did not exist, but they never had a higher price than 56*s.* 11*d.* a quarter. Therefore, he said, although 60*s.* was claimed as indispensable, he was, for his own part, perfectly satisfied in the belief that on an average of years 56*s.* was the price which they might hope to obtain for the great article of our agricultural produce. With respect to the averages it was quite unnecessary for him to say anything after what his noble Friend had stated so much more ably than he could hope to do, in introducing the bill to their Lordships' notice. He could not help feeling that in this branch of the subject also there was a decided improvement. Under the present bill the difference in the duty was so great between the points of the scale, that by raising the averages at once from 66*s.* to 73*s.* which was not very difficult to accomplish, the importer would realise a profit of 26*s.* It was easy for speculators to raise the prices to this extent, when they conspired for that purpose, by a system of fictitious purchases and sales, which never reached the farmer's pocket any way, as might be easily proved. Now, under the new bill, if the same game were attempted to be played, it would be necessary to raise the averages from 59*s.* to 73*s.*, a much greater distance, before they could realise a profit of 26*s.* As it was perfectly well known that all those sales by which the averages were so much raised were carried on in London, he could not help thinking that the addition of a great number of towns to the former list by which the averages were determined—and he should have been glad if the number had been even increased—was a very great improvement in the law. That could be shown in a very satisfactory way from the data furnished in the papers before their Lordships. It appeared that, with London included, the duty would stand at 10*s.*, but if London were struck out of the list, the duty would be 6*s.* The sales were carried on with a view to influence the duty between corn-dealers and corn-factors, not between the grower and the dealer. He thought the more easy slope of the averages, and the additional number of the towns were great improvements in the present plan, which would tend much to cheapen the food of the people, at the same time that they would protect the real agricultural interest—that was, the interest of the grower. He believed he had now stated nearly all that he intended with reference to this bill, and he was afraid not without fatiguing their Lordships. He might venture to add, that no one could be totally inattentive to the language which was held out of doors on this subject, of which his noble Friend (Earl Stanhope) seemed to be the mouthpiece. It was said that statements calculated for deception were addressed to the people of this country by persons now in power, who endeavoured to delude them. This was an assertion which possessed no manner of foundation in truth, and he would challenge anybody to state under what circumstances, when or where, any statements of this kind had been made. He himself must plead guilty to being one of those whom his noble Friend had attacked for the line of conduct he had taken on this question; he had marched under the banners of protection to agriculture, and he was satisfied that the course he was now adopting would be infinitely better calculated to protect that interest than the course taken by his noble Friend. No protection would arise from the sort of speech which had been delivered by his noble Friend—no protection would be willingly granted if such language were to be generally held, but if the case was fairly stated to the people of this country, they were intelligent enough to understand what was set before them, and he believed they would not, for they could not, when the matter was understood, doubt for a moment that their best interests had been preserved. That party which was now in power had on their accession determined not to act either for party or class interests. He believed that that party, on taking power, had looked down from the eminence on which they were placed, and, having viewed and considered the state of the country, had come to the determination of putting aside all class interests and party considerations, and using every means in their power to promote the welfare of the people, and to support those great interests in this country and abroad which were now in some measure jeopardised. He believed that for that reason they were supported in Parliament, and that they would continue to be supported; he believed that the honesty and loyalty of the people of this country, under all circumstances, and at all times, would know how to appreciate the value of those who, putting aside all such motives of action as he had mentioned, determined to do their best to promote the great interests of the country.

The Duke of *Buckingham* begged to be excused for a few moments, if he offered some remarks on this important question. He agreed with his noble Friend that a more important question could not be brought under their Lordship's notice. It was necessary that he should offer his observations at the present moment, because he was given to understand that according to the forms of their Lordships' House, it would be impossible for him to propose any alteration in this bill in committee, and therefore he felt compelled, in this early stage of the measure, to state the grounds on which he meant to give his vote against it. The question was, whether the bill should be read a second time now, or on this day six months. He looked on this bill with deep feeling of alarm. He looked on it as a measure produced no doubt from the best of motives, but, in his humble judgment, calculated to do harm to the agricultural interest. If their Lordships looked at the progress made by the agriculture of this country for a number of years past, it was impossible not to rejoice at the state of excellence to which it had been brought. But if by this bill the protection hitherto secured to the farmer should be greatly reduced, as he believed it would be, he feared it would be found that the spirit of enterprise which now animated the agricultural interest, would ere long be extinguished, and the consequence of forgetfulness and neglect as to the soil of the country would be, that our fields would no longer be maintained at that high pitch of cultivation to which protection to the British farmer had brought them. He looked on the bill with alarm, inasmuch as he saw a prospect of the foreign farmer being enabled to enter our market at a price at which he thought our own farmers should be protected; knowing the capabilities of foreigners for producing a large supply of grain, his fear was, that if you gave capital and a market to the foreign farmer, he would, ere long, be enabled to meet the English farmer in our own cities, and to overpower his competition. Not many years ago, the country was placed in such a situation as to be obliged to lean greatly on the progress of agricultural improvement for support in a contest of unexampled difficulty. He trusted it might be long, ere such a crisis again occurred; but if there were a possibility that it would happen at some future time, and if once they pauperised the agricultural interest, they would take away one of the chief sources of support, and by so doing, increase incalculably the danger to the country. If they depended solely on foreign supplies of grain, and the ports were closed against them, they would then be unable to obtain the necessaries of life, and might be placed in a situation which it was fearful to contemplate. Believing that the measure would be injurious to agriculture, and that it would impede the progress which agriculture had made of late years, he must deplore the probability which existed that their Lordships would be induced to pass it. It was proclaimed that this bill was to be an adjustment of the differences existing between two classes in this country. He avowed himself, as he had done before, the friend of the present Corn-law. However he might incur the displeasure, anger, or violence of others, he hoped he might be allowed to express his free and unbiassed opinion, and take that course which he honestly thought most conducive to the interests of the country. The bill, in his opinion would not satisfy the expectations of either party, or lead to the adjustment of the differences prevailing. He felt, and indeed, his noble Friend had shown, that it would not satisfy the manufacturers, who called for a total repeal; and he could assure their Lordships on the part of a great body of the agriculturists of this country, that it would not satisfy them. In giving up what they had then, they were giving up a law which, in his humble judgment, had worked beneficially; they were risking more than at the present moment they were aware of, and ere long, they would be called on to yield a little more. It was not for him to point out to their Lordship's what might ensue if the clamour for repeal were continued—suffice it to say, he viewed this measure with more alarm, the more he reflected on those consequences which might be expected from it. It did not grant that protection which the farmer had a right to expect; on that ground, he took his stand, and he should give his vote in support of the amendment of his noble Friend. He regretted many of the remarks which had fallen from his noble Friend, in which he could not go along with him, but he completely agreed with him that the bill would be highly injurious to the interests of the farmer. He shared those deep feelings of anxiety for the welfare, happiness, and comfort of his fellow-countrymen which ought to animate every Member of their Lordships' House; and he would be ready to go any lengths in trying to reconcile the agriculturists to this measure, if he believed it for their good; but he would ask their Lordships, if they consented to pauperise the agricultural interest, and drive the cultivators of the soil from those pursuits in which they were engaged, might they not be placed in the same difficulties and distresses by which the manufacturers were now afflicted? He would call on them to pause ere it was too late to retrace their steps, and feeling it his duty to support the existing law, and to protect the farmer, as he had always striven to do, he could not but view this attack on his interests with the greatest apprehension. His noble Friend who had just sat down, had attempted to show that the new scale would be equally beneficial to the farmer as the old, but the foreigner would now be enabled to import corn at 58*s*. instead of at 68*s*. or 69*s*. as formerly. It had been said that few petitions from the farmers had been presented, and that they had not been forward to state their grievances. It was not for him to say what the reasons for thus acting might be, but he must express his regret that the farmers had not been more alive to their own interests. Be that as it might, he felt he must adhere to the opinions he had repeatedly expressed on this subject, and he should sit down by giving his cordial support to the motion to postpone the second reading of the bill for six months, as a measure prejudicial to the farmer and subversive of the agricultural interest.

The Earl of *Winchilsea* expressed his satisfaction that a measure which had excited so much discussion, and which had so important a bearing on the tranquillity and prosperity of the country, was now about to be brought, as far as human prudence could foresee, to a final settlement. He contended that the agitation which had prevailed in the country on this question had produced great evils. There was no question on which it was so easy to excite the labouring classes of this country as the price of bread, although he was prepared to maintain that it was one on which the great body of the labouring classes were quite unqualified to come to a just and accurate conclusion. Limiting their views only to the present moment, they were unable to grasp this great question, and to enter into those prospective views which had influenced the Legislature in its wisdom to secure to the agriculturists of this country that protection and encouragement which the importance of their avocation to the public welfare demanded. It was sound policy to guard from injury capital and interests of such immense value as those vested in the cultivation of the soil, and the legislation of this country had been directed to this end, and to the prevention of great fluctuations in price, and of those occasional rises from which the labouring classes were the first to suffer. The agitation of this question had shaken the confidence of the agricultural classes in the continuance of that prosperity which was secured to them by those laws on the faith of which they had invested their capital, and had, within the last two years, considerably retarded those great improvements which had been commenced chiefly in drainage and the use of artificial manure, by means of which thousands of acres, in Lincolnshire for instance, which formerly produced nothing but water now grew the finest wheat, he might say, in the empire. Indeed, such was his confidence in the capabilities of the soil and the effects of those improvements, that he did not hesitate to express his conviction, that if they proceeded with the same rapidity for fifteen years to come as they had done for the fifteen years that had passed away, England would become, instead of an importing, an exporting country, more than able to supply the wants of her increasing population. There was no country which offered greater facilities for the extension and improvement of agriculture, or which more invited the investment of English capital, than Ireland. Few noble Lords, he presumed, were prepared to contend for a free-trade in corn, looking to the burdens imposed on agriculture for the support of the poor, for the maintenance of the high-roads, and the preservation of the public peace. Those were the three great national burdens, and they certainly fell very heavily on the agricultural interest. If this were a new country, and if we were free from such burdens, he, for one, might advocate free-trade in corn, and indeed free-trade in every article that entered into human subsistence. But if they were to bear these burdens, then they must have a Corn-law to enable them to sustain them. There were now in effect two propositions before the House—the proposition of the Government for a sliding-scale, and that of the late Administration for a fixed duty. Now, in his opinion, the fixed duty was altogether a perfect fallacy. If the price of wheat was at 36*s*., as it was a few years ago, what advantage would a fixed duty of 8*s*. be to the agriculturist? If the price were to rise to 80*s*., what Government, let him ask, could maintain such a duty? Besides the agriculturists must have protection. They were liable to all the variations of seasons. They were not, like the manufacturers, able to carry on their occupations without consulting wind or weather. If they had not protection, therefore, agriculture must fall into decay, and this was a statement which he made advisedly, and after due deliberation. Now, it had been said in that House, and the sentiments had been echoed by a cheer, which was erroneously attributed to him; it had been said, that her Majesty's present Government had most grossly deceived the agriculturists. Now, he was prepared to say, that that was a gross misstatement. They went to the country on the dissolution. That dissolution was forced by the late Government — a Government which took a step, in his opinion, alike discreditable to themselves as an Administration, and calculated to disturb the peace of the country. He referred to the agitating cry of "cheap bread," which they had raised for a mere party and factious purpose. That cry was as delusive as it was agitating, for, as the people well knew, cheap bread meant low wages, and in some cases, no wages at all. Well, it was said, the party at present in power went to the country pledged to maintain the existing Corn-law. Now, he denied, that they had done any such thing. They were not pledged to any particular scale of duties whatever. To the principle of the present law, they certainly were pledged, and he contended, and did say most emphatically, that the Government had maintained that principle. And with regard to the change in the scale of duties he was prepared also to express an opinion, that the agriculturists would sustain no injury from the alteration of the duties on wheat. There were a variety of emendations in the system which would prevent them from sustaining any injury. The list of towns in which the averages were to be taken was to be altered; he only wished they had been so altered as to exclude Mark-lane, to which market, after all, the frauds and fictitious averages were to be traced. But in extending the system to a number of other towns, he thought the Government had rendered a great service to the public. To the agriculturist, also, they had given an important benefit, by so altering the scale, as to render it a jumping instead of a sliding-scale. And having thus candidly expressed his opinion, he must make one statement in addition. Although closely connected and bound up with agriculture, he had ever viewed this question with reference solely to what he considered the interests of the great mass, the vast labouring population of this country. He trusted, that for their sakes, the present measure would settle the question; and, at the same time, he hoped, that its result would be, to give bread to the people at the lowest price at which the English agriculturists could afford to sell, and to so obviate all necessity for resorting to the dangerous expedient of drawing supplies of corn from foreign countries whenever we might be left entirely unsupplied in the event of war. He would also say, before he sat down, that he could not but regret the course taken by the noble Earl (Earl Stanhope) on the present occasion; and, more than all, that he regretted the noble Earl should have attributed to persons of high character and of high standing in the country, opinions and motives of action, which, he was sure, that noble Earl would, on after deliberation, much regret having laid to their charge. He would ask the noble Earl to consider attentively what possible interest such parties could have in acting as he would lead the House to suppose they had acted? Those parties were as closely connected with agriculture as the noble Earl himself, and he would venture to add, quite as anxious for its prosperity. For his own part, he believed those parties had pursued a conscientious course, and he earnestly hoped and believed, that their measures would tend to put the question on a firm footing, and to further the general interests of the country, manufacturing as well as agricultural. Entertaining these feelings and opinions, he should very cordially give his vote in favour of the second reading of the bill.

Lord *Western* said, he had listened with great attention to the noble Earl (the Earl of Ripon) who had introduced this bill, and who, in his speech, had said so much to shew the impossibility, or, at all events, the improbability of any overwhelming importations of foreign corn, that he appeared to be advocating a free-trade, and that he (Lord Western) should be also obliged to be a convert in its favour. He should indeed, be infinitely delighted to be able to give a vote in support of that unrestricted importation of corn which is so much desired by great numbers of the people; but he was of opinion, that the aggregate taxation of the country pressed with such weight, mediately, if not immediately, upon the produce of agriculture, indeed, upon all other products of industry, that it would be impossible to sustain a competition with comparatively untaxed foreign countries. The price of corn was compounded of taxes and cost of productions, labour being the chief ingredient of the cost part; upon a forced reduction of the aggregate price, the labour must give way, for the tax part would remain untouched; and the diminution would fall upon the cost parts of price, and thus would the labourers be in fact the chief sufferers. Besides which the wages of labor would fall as they always do when the price of corn falls, reducing the farmer's means of paying their men and thus lessening the demand for their labour; this was always the case, though perhaps the wages did not so invariably and immediately rise upon the advancing price of corn, no theory was necessary to establish this truth, practice unfortunately proved the fact, and wages had already fallen. The noble Lord then proceeded to shew the probable injurious effects of such reduction of the protecting duties which were intended in the bill, and which he thought would be very seriously felt in all the agricultural districts. He should, therefore, support the amendment moved by the noble Earl (Earl Stanhope) which if carried, would leave the law as it stood at that time. He would now take leave to say a few words as to the conduct of Government upon this subject. The present Administration had come into office upon the strength, and in the confidence of their determination to support the protective principle by which the Legislature had so long been governed. It was universally believed, that a Conservative Government would conserve the existing institutions of the country, and its policy as regarded the agricultural interests. He was sure, that there was no supporter of the right hon. Baronet (Sir R. Peel) who did not entertain that full conviction. It was, therefore, with astonishment and regret, they saw the contrary course he was now pursuing, particularly as respected his proposed tariff of reduced duties; who ever expected, or could have suspected such a tariff from such a quarter? They might have expected a measure of the sort from his noble Friend at the head of the late Administration. From that noble Lord he did anticipate such a tariff. He did anticipate, that sooner or later his 8*s.* duty would be followed by some such extension of free-trade, and that apprehension induced him to withdraw his support on that occasion from his noble Friend, which he was very reluctant to do, and should be even more so again after discovery of the total want of confidence to be placed in the views of the right hon. Baronet at the head of the present Conservative Government—what popularity he (the hon. Baronet) was to gain by his present course, or who to please, he could not imagine. It could not be his old Conservative agricultural Friends. He was sure the hon. Baronet must have lost much of their confidence and attachment. He might still have their votes, but he must have lost their hearts. It was not in the nature of things they could approve his present policy, the expectations many had formed were wholly disappointed; They considered themselves deceived; they never thought of his making dangerous experiments upon the agriculture and trade of the country. They would not know what to expect next. It would be almost better to have a free-trade at once, having began upon the free-trade principle, where was the hon. Baronet to stop?—a free-trade in corn at once would be preferable, the great energies of the people would thus be called forth to their utmost efforts, and it is impossible to say what they might not accomplish if freed from the burthens of taxation to the enormous extent now carried, they would almost surprise themselves with the powers they possess. There was no reason why with their capital, skill, and industry, with a climate and soil suited to the growth of wheat, they might not produce it as cheap, if not cheaper, than any other country in the world; or if the revenue would not bear a large reduction of taxes, if a sufficiently extended currency to meet the taxation, instead of that miserably contracted and ever-vary-circulation we now labour under, was established by Parliament, the nation would rise again over all difficulties and distresses. Here he said he was led to a consideration of the state of our commerce and manufactures, which were weighed down by the operation of our monetary system established in 1819, and under which our circulating medium had become so uncertain, so fluctuating, and so insufficient. He felt deeply interested in reference to these new measures of experiment upon our agriculture, but if possible he felt even more alarm in contemplating the depressed condition of our commerce and our manufactures, and the wretched, destitute, almost starving state of their operatives in these districts. Was it not to our commerce and manufactures that our agriculture owed much? that the value of our land had been increased? was it not to our commerce and manufactures that England owed her greatness and her superiority? Why, then, allow such existing distress to continue and prevail? the remedial course was obvious, as was the cause of the misery The violent and continued contraction of the currency after a delusive expansion, was evidently the cause. The general circulation of the country had been reduced at least a fifth of its aggregate amount. A sudden reduction by the Bank had, in 1837, produced the most tremendous losses to the commercial world,—losses to the extent of forty millions sterling in that one year. These were facts that could be proved; he would be prepared to prove them, if allowed, and why was this contraction done or suffered. This was a point that required explanation. It was requisite under our present monetary arrangement that the Bank should hold a certain amount of bullion in her coffers, supposed to be not less than nine or ten millions. She was also to assist commerce by temporary loans, discounts, and such means, but was to guard her bullion carefully. It might, however, unfortunately be reduced by various means, and if to a great and rapid extent, she became alarmed, in that case what was to be done? Why the Directors distinctly told both to the Commissioners of the House of Lords and Commons they had no means of replenishing their coffers but by reducing the circulation, thus throwing down the price of all commodities. This was the real secret of our distress, and if it were to continue he should look forward to more fatal consequences. He could not imagine why the leading men of both parties determined to leave this question of the currency untouched. He warned them that the time had now come when if they did not deal with it soon, and that energetically, they would regret their conduct to the last hour of their lives. He apologized for having been led away from the subject of the Corn-law, but really he felt deeply the depressed state of our commerce and manufactures, and the frightful distress of the laborious classes. He considered that the evidences of prosperity, wealth, and power in the country were redundant, and that if our currency was not so contracted and insufficient, we might have an overflowing Exchequer, instead of a miserable deficit. In regard to the Corn-laws, he thought the people were completely mistaken in their views. He should like to gratify their wishes if possible, but under the actual circumstances of the country, particularly under our monetary system, as it was worked at present, it could not be safe to comply with any material alteration of these laws.

Lord *Fitzgerald* thought the noble Lord who had just sat down was inconsistent in his observations, and in the course which he had declared it was his intention to take. The noble Lord had at first declared that he would vote in support of the second reading of the bill, and then in a few minutes proclaimed his intention to support the amendment of the noble Earl from whom he was separated in council and in party—a course which he believed would not be followed by the noble Lords immediately around him. Had any one who heard the statements of the noble Lord in the first part of his speech heard the latter part, wherein he dilated with much propriety and justice upon the advantages of commerce and manufactures to this country; and when he told their Lordships that to those sources chiefly this country owed its sources and its power; and also, when he dwelt on the necessities and privations of the labouring classes; a person having heard all this would be ill-prepared to arrive at the conclusion to which the noble Baron had come—namely, that he would, with the noble Earl (Earl Stanhope), maintain fully the present system of Corn-laws, without any alteration whatever. He would leave the noble Baron to explain this conduct to his friends. He would also decline to follow the noble Baron through his arguments upon the monetary system of the country. The noble Baron had declared that he was ready and anxious to open the ports of this country to a free trade in corn, were it not for one slight difficulty—the pressure of taxation under which this country was, he said, sinking. When the day arrived that the noble Baron would be able to point out the way of alleviating the heavy burdens of the country, he, and he believed numerous other noble Lords who had the welfare of the nation at heart, would be ready to go into the whole question anew, in order to settle it on the most advantageous footing. The noble Earl on his left (Earl Stanhope) had complained of deception, and on a former night of disappointment, and had reiterated the same assertions more than once. This part of the noble Earl's speech however, might be left as having been answered by the speech of his noble Friend, who, at the opening of the debate, most successfully vindicated those who introduced this measure from the charges brought against them, and who desired not to be separated on this occasion from the right hon. Baronet, to whom the noble Earl had applied language which he thought himself justified in using, and who, moreover, on the part of the right hon. Baronet, denounced the charges made by the noble Earl against him. The right hon. Baronet had never done anything to justify any of the impressions which the noble Earl had formed of his conduct. It was said that the agriculturists and the Friends of that great body had been disappointed, because they expected from the right hon. Baronet an adherence to the protective principle. But had that principle been abandoned? On the other hand, was it not said that this principle had been maintained to too great an extent? The noble Earl had said that the language of the right hon. Baronet justified him in believing that the Corn-law was to be maintained as it stood, without any deviation from it.

Earl *Stanhope* had stated that he saw clear and unequivocal symptoms before the last dissolution of Parliament that there would be considerable deviations from the existing law, but he also understood, that the right hon. Baronet was in favour of the Corn-laws as they stood.

Lord *Fitzgerald* said, it was difficult exactly to understand this last statement of the noble Earl. The noble Earl said, he believed that there would be considerable alterations in the Corn-laws notwithstanding his impression that the right hon. Baronet was in favour of their maintenance. Now, in the debate on the Corn-laws in 1840, the right hon. Baronet was arraigned by Mr. Clay, a Member for the borough of the Tower Hamlets, who made a charge against the right hon. Baronet, the very reverse of that made by the noble Earl, and on the authority of a speech made in the House of Commons, which the right hon. Baronet, though present, did not repudiate, and the quotation was this—

> "On that great question (alluding to the Corn-laws) my opinions remain unchanged. I adhere to those which I expressed in the discussion of last year. I did not then profess, nor do I now profess, an unchangeable adherence to the details of the existing law—a positive refusal, under any circumstances, to alter any figure of the scale which regulates the duty on foreign corn. I did profess, and I now repeat, that I consider a liberal protection to domestic agriculture indispensable, not merely to the prosperity of agriculture, but to the general interests of the community; that I think a graduated duty, varying inversely with the price of corn, far preferable to a fixed duty."

The right hon. Gentleman then clearly declared his adherence to the protective principle; and he would ask the noble Earl whether that quotation justified the opinion he had formed with regard to the intentions of the right hon. Baronet? In the same debate the right hon. Baronet being taunted with not revealing his opinions—and this was before he resumed the reins of Government—made this statement—

> "Many hon. Gentlemen opposite have expressed a wish to hear me repeat what I have said before, that nothing can be so absurd as for any man to declare his inviolable adherence to details. I say I prefer a graduated scale to a fixed duty; but to say that the details of the bill are an actual protection, and that I would not listen to modifications, would be a declaration utterly unworthy of me to make, or the House to accept."

He did not intend to enter into the general details of this question; in fact, as yet no argument had been urged against the bill, except from those who were anxious to maintain the present law. It was true that there were other Members of their Lordships' House, who would argue the question upon entirely different grounds, and in quite another manner; some noble Lords who were amongst the most able debaters in that House, and whose opinions were not consonant with those of the supporters of the measure before their Lordships, nor with those of the noble Lords who opposed it upon the present occasion, and whose only complaint was, that sufficient protection would not be given to the agriculture of the country; but he did not think it necessary to enter further into the details of the measure after the speech of his noble Friend who opened the debate that evening. He trusted, and believed, however, that their Lordships would not blame him, or think him presumptuous, because he had been anxious to vindicate those with whom he acted, and above all to vindicate from the charges cast upon him one who, of all public men that had ever united in one person the confidence of his Sovereign and his country, was the last man who for political advantages to himself or the party with whom he was connected, or even in support of the principles he maintained, would be capable of the unworthy conduct charged upon him—that of deceiving the people of England; a man who would repel with indignation the aspersions cast upon him by the noble Earl, ay, even in the hearing of every man to whom the noble Earl had addressed himself that night.

Lord *Beaumont* was most unwilling to intrude upon the attention of their Lordships, but considering how strongly he felt on the subject, he could not consistently with his duty do otherwise than throw himself upon their indulgence while he gave utterance to a few observations upon this important question. He would bring no charge against her Majesty's Government of abandoning their principles; he would make no criticisms upon public declarations of individual Members of Parliament. If he were disposed, he might quote from the speeches of noble Lords who supported this measure, for the purpose of contrasting their past assertions with their present conduct. But he would not do so, because he had foreseen that when once a change was proposed to be adopted by the late Government with regard to the Corn-laws, however certainly that proposed change might prove a fatal rock to that Ministry, it would be inevitable that their successors must take up the subject, and revise the system, and enter into some arrangement, in order that the wishes and expectations of the country might at least meet with attention. But though he did not charge her Majesty's present Ministers with an abandonment of principle, and though he expected from them a revisal of this measure, he little thought that they would propose a plan which at "one fell swoop" would take away one-half the protection of wheat, and two thirds of that of barley and oats, and leave the agricultural interest and the farmers labouring under accumulating difficulties and exposed to probable ruin. There was another extraordinary circumstance attending the progress of this measure. It was kept so secret, that no opportunity was given to those interested properly to examine it; they were totally taken by surprise; they had not time to calculate its effects before it had passed the other House. Nay, at least prior to the recess, there was no opportunity to consider the resolutions, and to compare the different prices of foreign markets with their own; and consequently those concerned remained without petitioning their Lordships' House, and were perhaps more silent than their interest in the measure could well justify. But what was the case now? What had been the effect which the short period of the recess had produced? Had not the agriculturists now begun to declare their opinions? Had not Lincolnshire spoken? Had Essex made no protest? Had there been no meetings in Buckinghamshire? Was Berkshire quiet? And there were other counties with which he was more or less connected or acquainted, in which the agriculturists had looked upon this measure with dismay, and when he reflected on the support which Ministers had received from the landed interest and then turned to the sweeping measures now proposed for their Lordships' adoption, he might well say, that the first act of her Majesty's Government was to amputate the arm that raised them to power. In fact such had been the conduct of those now in power towards the agricultural interest that the latter might well apply the Italian proverb to their former friends and say—

> "Da quel che Io fido quardami Dio.
> Da quel che non Io fido quardero Io."

With regard to the frauds on averages, it was certainly incumbent on the Government upon the introduction of a new measure to take means to prevent the recurrence of such frauds; but he thought they had adopted a plan which would not answer the proposed end. The fraud was committed in this manner—at least he knew it was so in the East Riding of Yorkshire and part of Lincolnshire, and some other counties,—in every town in which an average was taken there was an agent, and the agent understood the right time to raise the prices and to make sales, and when to hold back so as to produce an effect in the market. Moreover, wherever there was a miller, there was an agent, and they were both interested parties. They managed the markets, and the common complaint was, that the public were in the hands of the miller and the factor. Now, in all the new towns he presumed there was a miller; and, therefore, there would be an agent, so that by increasing the number of towns for taking the averages they were only increasing the number of rogues. Would it not be better to take the averages at once from the grower? In Scotland the average was taken from the grower and factor conjointly; and there the system acted well, but the object of the average was different in Scotland from that for which it was intended in England. And therefore the motive for falsifying the return did not exist there as it did here. In one country it was for the purpose of fixing the rent, in the other for fixing the duty. In Scotland, therefore, it might be well to take it from both; but in England it ought to be taken from the grower, and the grower only, and then they would get at the true price at which the grain was produced; and this would prevent the prices from being forced up at a period when the farmer had no corn to thrash, in order that the miller and the factor might make their profits. Again, the trade in corn would be more steady, and not subject to those sudden puffs as at present, if they had the averages taken from the first and best source, for then the duty would be regulated by the amount of supply and not by the dictates and interests of the speculating merchants. The freight also was unjustly considered as additional protection, for it cost as much to send corn from Yorkshire to London as from Hamburgh to London. With regard to wheat, taking 56*s*. as the remunerating price, what was the difference between the protection afforded by the present scale of duties above the proposed one? More than half. If it had been that hitherto that the present protection was a little too much, surely the diminution of nearly one-half must have the effect of exposing the wheat-grower to competition with the foreigner, and throwing out of cultivation the poorer soils. These poorer soils, though they made the least return, employed the most hands in cultivating them, and they were often rented by the poorer class of farmers, because the rents were lower, and it was the wheat produced on these thin soils and cultivated by these poorer farmers, which in consequence of its quality would come most directly into competition with foreign corn-growers. Where poor land had been improved and cultivated, there had grown up small villages and towns in consequence, where lived blacksmiths and small shopkeepers, and traders to supply the wants of the farmers, spread over the surrounding district. If the effect of this measure were to throw these poor lands out of cultivation, these villages and their populations must be sacrificed. Their Lordships must know, that 58*s.* was no remunerating price for wheat grown on these poor lands, on many of which they had expended enormous sums in draining and improving for the purpose of giving employment to the poor. Was it fit that those lands should be abandoned, and those villages and homes rendered desolate which had been raised partly by individual exertions in redeeming waste soils, but more by the happy operation of their wise measures in protecting corn? By these measures they had reared a happy and contented peasantry; they had planted cities, and raised villages and hamlets. This had been greatly the case on the wolds of Yorkshire and the extensive commons of Lincolnshire. What then were they about to do? They were about to drive that population to emigrate, to cause those lands to be forsaken and restored to what they were a few years ago—to rabbit warrens—and to be tenanted by grouse and wild-fowl. The richer class of these farmers would then come into competition with the farmers on the richer lands, and thus this measure would tend to raise the rents of these lands. The demand for agricultural labour would be considerably decreased, and the labourers thus thrown out of work would be driven to the towns in search of employment, and forced to change their usual habits and accustomed pursuits; their healthy homes and well-tilled fields for the dingy streets and gloomy workshops of Leeds and Manchester, and increase the already too great supply of labour in those towns. He had no doubt but by this measure a momentary impetus would be given to the exporting of manufactures from this country. But the exporting manufacturers did not generally, he believed, work from orders given, but on speculation. In a short time there would be the recoil; the tide would ebb; and what would be the consequence? The demand for labour would cease, and this unhappy population, whom they had driven from the agricultural districts into these towns, would be left stranded and unsupported. They would then be thrown back on the rural parishes from which they originally came, and the poor-rates increased by the expense of removals, appeals, and the support of this unemployed population would swamp those parishes on which they were thrown. This, he believed, would be the consequence so far as those lands were concerned in which the proposed protecting duties would afford no protection for wheat. If such were the consequences as to wheat, he asked what would be the consequences as to barley and oats, on which there had been made an uncalled-for reduction, as these grains did not constitute the food of man; and in the rotation of crops now introduced in the improved mode of agriculture, it was necessary to grow these products? He alluded particularly to the high lands of Yorkshire, where an immense expense had been incurred in the use of bone-dust, and to the large tract of warp-lands on the banks of the Trent and Ouse, which would feel the effects of this measure more than any others, owing to the importation of barley and oats from Denmark to Hull. If he might allude to the tariff in this instance, he would add, that foreign potatoes would be brought into competition with the home produce, there having been a reduction from 2*s.* to 2*d.* per cwt. in the duty imposed on their import. The expense of cultivating potatoes on warp lands in manure was 10*l.* 10*s.* an acre, and this crop was looked to as the only one in some places to give employment to the people, as it afforded employment to those who were unfit for any other work. Here, by the tariff, they cut with a two-edged sword. They had raised the duty on bird-manure. The noble Earl (Earl of Ripon) shook his head. He hoped it was a misprint; but there was 5*s.* duty on that manure, where there was none before. This duty would increase the expense of raising the crop, and yet they took away the protection afforded it. He would now come to that portion of the subject which regarded the importation from abroad. To some noble Lords it was a brilliant and a happy idea that they should seek the cheapest market for their goods; that they should go to rich lands which did not cost an hour's labour, and get their produce from it. He believed it was the opinion of the noble Earl (Earl Fitzwilliam) that it was not advisable to scratch our barren rocks to force them to produce grain; that we ought to go to those countries whose lands were the richest, and where the cultivation of the soil scarcely demanded an hour's labour. On the same principle they ought to look for their velvets to Genoa, and for their silks to Lyons. To protect cultivation or force manufactures was to oppose the laws ordained by nature, and instead of preserving in an artificial state the indifferent lands of this country, we should allow them to return to their original sterility. But if this principle were adopted, we should be nearly altogether dependent on the Continent for corn, because he could not agree in the statement of the noble Lord, that we in England could grow corn as cheaply as it could be grown on the Continent. He was so certain on that point, that if all the taxes in England were taken off, he was convinced we never could compete with the richer soil, and the better climate, and the cheap labour of the Continent. The measure of the Government was a step halfway towards abrogating protection, and would tend to make us more dependent on the Continent than hitherto. During the continuation of peace we might rely upon a supply, but what would be the result if we were again to be engaged in war! So long as we were dependent for food on other countries, we should be like an army without a commissariat. He therefore thought that we were bound to force cultivation in this country in self-defence. On this principle we had for a long time acted, but in his opinion, he thought the present measure involved the practical abandonment of this principle. They had enclosed waste lands, and brought them into cultivation, and had accustomed the people to use fine wheaten bread down to the poorest person by the operation of the existing law. He would ask them, then, if it were not hazardous to attempt to alter by one-half a measure of that kind? And would the measure they were attempting to pass, do away with many of the mischiefs which now existed—with joint-stock bank credits, and men of straw competing with the manufacturers, and by this competition lowering prices, and reducing all to one common level of ruin? They would not stop that system by this measure, and he believed, that that was the system which had caused most of the distress in the manufacturing districts. But there was another evil with regard to this measure. The producer of manufactures for the home market would, of course, be a loser in the same ratio, as they reduced the home market by reducing the comforts and luxuries of the agriculturists. He had heard some manufacturers say, and he believed the assertion to be true, that the prosperity of the agricultural districts, which prosperity depended chiefly on the present Corn-laws, was the best friend and most certain support of the great manufacturing interests. And again, what assurance had the exporting manufacturers that the foreigner would take their goods in return for the increased quantity of corn imported? They had no guarantee that he would. On the contrary, had the Emperor of Russia made any reduction on the import duties on English manufactures into Russia? We had taken hides, and tallow, and raw materials from Russia, and Russia in return for this had not taken our manufactured goods; but our imports from Russia had greatly exceeded our exports, and our exports had not been manufactures but yarns. They then came to the Zollverein. Had Prussia encouraged them in this measure? On the contrary, the German states were manufacturing, and going on most prosperously. The manufactories of Saxony and Germany said, "Take our corn, do what you will, we, the League, will never admit your English manufactures." If they reduced the import duty on corn here, an export duty on it would be imposed in Russia, sooner than they would damage their home manufactures by importing our manufactures in exchange. And could we blame them? No; it was natural for all countries to do this. Did not France pursue this course, perhaps, more than any other country? It was natural, because all countries had increasing population, and they must create manufactures even at a loss, or they would be swamped with their pauper population. But what was the difference in the result of encouraging manufactures, and encouraging agriculture? Every improvement in agriculture—in draining or in bringing into cultivation the poorer soils, had tended to increase employment for the poor; it was the same even in Macadamizing the roads. By therefore giving an "unnatural" protection to agriculture—if they pleased so to call it—they gave employment to an immense number of the poor. But when the genius of this country was brought to occupy itself with the manufactures, and invent and find out improvements, what was the result? We admired the invention, but it reduced the number of hands employed, and while it added to the gains of the wealthy manufacturer it produced famine amongst the poor. Improvements in agriculture increased the demand for labour; improvements in manufactures decreased that demand. The only way to counteract this result was by an immense increase in the number of mills to give occupation to the number of hands that would be otherwise thrown out of employment; but an unreasonable increase in the number of mills had hitherto been the cause of the ruin and the depression of the trade, because the demand for goods had not kept pace with the amount of production. To have remained silent whilst the present measure was going through the House, would have been a dereliction of his duty. Before he sat down, he would say one word as to the *bouquet* of measures which had been proposed—the tariff and the Corn-law. That they were bold, candid, and impartial measures, and had not spared any interest, he could not deny. They had treated the manufacturer in the same manner as the agriculturist—they were both embarked in the same boat. It had exposed the free-traders to the operation of the principle they advocated, for the law had been applied to them—even-handed justice had turned the poisoned chalice to their lips, and the cry now was, "No free-trade in gloves, no free-trade in shoes, no free-trade in straw-plait, but free-trade for everybody save us." Those who were the loudest in favour of the principles of free-trade, must now abandon the arguments they formerly found so persuasive amongst the shoemaker and strawplait manufacturers of the country for, if he had understood the noble Earl who had presented several petitions from those trades in the early part of the evening, it was no longer free-trade, but protection for home-made gloves, protection for Northampton shoemakers and high protective duties on strawplait that now formed the burden of their prayer. He would now apologise to their Lordships for having occupied so considerable a portion of their time, and thanking them for the great attention they had paid him, conclude by repeating that he could not in duty refrain from protesting against a measure which he considered both dangerous and uncalled for.

Lord *Brougham* said, that though he did not intend to trouble their Lordships at any length on the present occasion, yet if he delayed longer in offering a few things for their Lordships' consideration, he did not see how they could come to a division with a clear understanding of the question before them. It was necessary that he should first state what he considered to be the true position of the question as it now stood, upon which, if the House, without further explanation, proceeded to a division, various noble Lords entertaining very different and very conflicting sentiments, would find it exceedingly difficult and inconvenient to express any opinion by their votes. Their Lordships had before them a motion that the bill be now read a second time. Upon that motion an amendment had been moved by a noble Earl which went to a direct negative, and in the ordinary Parliamentary form affirmed a complete, entire, and uncompromising refusal of the measure. If, then, he was called upon in the first instance to vote for the amendment moved by the noble Earl (Earl Stanhope), in what position did he find himself placed, if he neither agreed with the noble Earl in wholly opposing the measure, nor, on the other hand, altogether agree to the whole extent of the measure which the bill embodied. He was reduced to the alternative, either with the noble Earl to reject the bill altogether, or to adopt the bill without any difference as to the opinions expressed by his noble Friend the original mover. Now, neither of these courses would be in accordance with his opinions. It was true, that he considered this bill as a considerable change; and that it was a change in the right direction. As compared with the existing law, he approved of the law proposed. He held the proposed measure to be an improvement—but, he would not exaggerate — no very great improvement upon the existing Corn-laws. He lamented that the bill proceeded no further, but still the change it made was not only considerable, but in the right direction; and therefore, upon the whole, he was in favour of the measure. On the other hand, he should presently state to their Lordships why he did not think it went by any means far enough, and why he also felt it his duty to move by way of amendment to the amendment of the noble Earl opposite (Earl Stanhope), that which he considered to be the assertion of a right and just principle, namely, the total and absolute repeal of the duty upon foreign corn. Now, in the first place, he begged to ask why was the proposed measure denied to be an improvement on the existing law? It was perfectly true that the change would be wholly ineffectual when the price of corn was down to 50*s*., because it signified nothing whether the present duty of 36*s*., was retained, or there was substituted in its place 20*s*. 8*d*., which was the highest rate of duty according to the present measure. [The Earl of *Ripon:* 20*s*. would be the highest rate of duty.] Certainly: the highest duty answering to the lowest price, which would be 50*s*. Some doubt existed as to what would be the result if this country took a supply from foreign markets. Dantzic, Odessa, and, he believed, Amsterdam, had been referred to, but with regard to Amsterdam he would exclude it, because there the prices were extraordinarily high. But take Dantzic, for instance, where corn, he would suppose, could be bought at 45*s*. 6*d*. on board, or 40*s*. on board, adding 5*s*. 6*d*. for freight, carriage, and insurance to this country; but take it either way, it was material, as regarded the lowest price and the highest duty, because, adding 20*s*. 8*d*. to 50*s*., would give 70*s*., a price which was almost prohibitory; precisely in the same way, if they took high prices and the lowest rate of duty, they would then come to 72*s*. or 73*s*., and then there would be under both scales a 1*s*. duty; so that the difference would be nothing between the new plans at the highest and at the lowest prices. But when they came to intermediate parts of the scale, to a price varying from 53*s*. to 65*s*., a very material difference arose between the existing scale under the statute of the 9th of George 4th., chap. 60, and that now proposed by his noble Friend. He would now take the price at 62*s*. Under the existing law, the duty would be 24*s*. 8*d*., while by the proposition of his noble Friend it would be 10*s*. Now, taking the price at Dantzic or in the Baltic, to be 40*s*., adding to that 5*s*. 6*d*. for bringing the commodity over to this country, and then making the further addition of the proposed 10*s*. duty, they would have 55*s*. 6*d*. as the price at which it could be sold in the markets of this country. But by the existing scale, the duty of 24*s*. 8*d* would bring up the price to 72*s*., and, therefore, it would be absolutely impossible under that scale, to import a single bushel of corn; while, with a 10*s*. duty, as proposed, it would not only be possible but easy to import abundance. For these reasons, he thought the measure now under consideration was a considerable improvement upon the present law, and also a removal of the obstacles which existed under it. He was ready further to admit that, to a certain degree, the trafficking and jobbing in the averages would be rendered more difficult, and that the temptations to those pernicious operations would be less under the proposed measure than under the existing law. In the third and last place, of these changes he entertained a considerable doubt in one material respect; he was by no means certain that the addition of 150 towns would have the effect expected. He was apprehensive that the addition of those towns for the purpose of the averages might have a prejudicial influence, because they were at a greater or less distance from the chief corn markets of the country, and the result might be, that the averages of price would be very considerably lowered, and the duty in proportion raised. It was possible for his noble Friend to take some steps, which he thought ought to be done, either by a separate act of Parliament, or by the introduction of a clause in the bill before the House, first to try the experiment of these 150 towns, and strike them off if found hurtful or unessential. For the various reasons he had stated, however, he was, upon the whole, impressed in favour of the proposed measure over the existing law, of which it was a mitigation; and wishing to see as speedily as possible the existing law put an end to, and the trade in corn thrown entirely open, being persuaded not only that it would be a just, expedient, but also a safe course for all interests concerned. He could say that it was an improvement, at all events a mitigation of the existing evil, and so far and to that extent he approved of it and was prepared to support it, provided he could not get a better. But as, on the other hand, he preferred a fixed duty he should be prepared to vote with his noble Friend (Viscount Melbourne) tomorrow night, though, he repeated, he should infinitely prefer the entire and absolute freedom from all imposts on the importation of corn. He came now to the eulogies which had been pronounced upon this bill as a final measure. Now, the measure seemed to him to present no appearance of finality; it carried in its bosom the seeds of further change, and he could not help thinking that the measure was but a step in that direction which would open the gates to further alterations and to the adoption of what he must hold to be a safer legislation—namely, that which would give this country the entire, free, and unrestrained access to the corn markets of the world. He fully agreed in the argument—one of the principal arguments in favour of an entire and complete abolition of the Corn-laws—that a worse state of things could not be imagined, than the temporary and continual fluctuations in the price of corn. If those changes and fluctuations operated injuriously to the trading interests, they worked still worse, if worse were possible, upon the agricultural interests. The agriculturists were most interested in having the question settled once for all. He would call the attention of those noble Lords to the extraordinary fact, that thousands on thousands, nay, millions sterling, were kept locked up in their coffers by prudent capitalists rather than adventure their property in the purchase of an article of which no man could safely estimate the value. According to the general opinion which had obtained in men's minds, that the rent of land did depend upon the state of the Corn-laws, while those laws were not fully settled and defined, those capitalists would not invest their capital in the purchase of land. He did not take the same view as some persons in regard to the effect which the repeal of the Corn-law would have upon the rent of land; even if they gave every scope to their imagination, leaving leases and time-bargains out of the question, the anticipations of the mischiefs which would arise from the largest possible change in the Corn-laws to the cultivator of the land—the practical farmer—were altogether without foundation. The farmer was like other traders, he produced like other traders, he found wages as they did, and if the depreciation of prices should result, which those who felt the most alarm anticipated, it was clear that the practical farmer had no interest which could be injured. Noble Lords had been arguing as if there was now, and at all times, in all the great ports of continental Europe—in every harbour, in every creek, on every strand, and in every half-navigable river—from the Baltic through the Channel, from thence into the Mediterranean, round the Levant and up to Odessa, mountains of grain ready to be shipped and sent into our harbours, the moment Parliament should have removed those restrictions which now existed on the corn trade; but it was no such thing. Where were these large quantities of grain? There was not more grain grown in the corn countries than was sufficient to feed their people and to supply those two or three countries which were in the habit of constantly importing corn—Holland being, he believed, the principal of those importing countries; but in no one country in Europe was there more corn grown than was sufficient for the purposes he had stated. Then, by opening the markets here, you of course add to the demand upon those corn-growing countries; and see the first and necessary effect of that. A paper had been laid either before their Lordships, or the other House of Parliament, affording, he thought, a sufficient test of what would be the price of corn in this country if the Corn-laws should be repealed to-morrow. He did not mean the substitution of one sliding-scale for another, or of a fixed duty for a sliding-scale; but the total and entire repeal of the law. The return referred to the island of Jersey or Guernsey, one, in short, of the Channel Islands, in which the corn trade was free, and it stated what had been the average price of corn in that island; almost all of which, be it remembered, was brought across the sea. But the freedom of importation being absolute and perfect, the average price for the ten years ending 1840 was shown by the return, to be 51*s*. and some odd pence—the average price in this country during the same period having been under 57*s*. or 58*s*., being a difference of 14*s*. or 15*s*. per cent.; therefore, the apparent risk which the corn-grower would run by this country being placed upon the same footing in respect to the trade in corn with our Norman Channel Islands, was no more than 14 to 15 per cent. But, then, would corn remain at the same price when you added to that demand, which now kept it at 51*s*. in Jersey? Would corn continue to be sold there at that price, if we, by opening our ports, increased the demand upon those countries from which Jersey was supplied? Assuredly not, unless it was contended, that the consequence of opening our markets were that no increased demand would result. If there would not, then his proposition, that no risk was run, and no harm could be done, was proved in another way. One of two consequences must follow from opening our ports—either that the increased demand being nothing, the price would not be raised, and, consequently, no harm done to any one; or that there being really a demand upon the foreign corn markets—in which case alone could there be any risk—the price must necessarily rise; and instead of corn remaining in Jersey at an average price of 51*s.* 6*d.*, it probably would be 55*s.* or 56*s.* a-quarter; making a difference probably of 2*s.* or 3*s.*, even if we admitted the most unlimited supply we could obtain from the foreign markets. There were undoubtedly some noble Lords, who had considered the question most deeply, such as his noble Friend, the noble Earl, who was largely connected with the county of Northampton (Earl Spencer), his noble Friend, and others, who were deeply interested in the prosperity of agriculture, and in the maintenance, not merely of the farmers' profits, but of the landlords' rent, those noble Lords believed that the total repeal of the Corn-laws, and the opening of our markets to the Corn-growing countries of the Continent, would not have any effect whatever in lowering the price of corn. This opinion was also expressed last August by another noble Peer, in moving the Address in answer to the Queen's Speech. He also was one of those who looked forward to the advantages which the country would derive in the increase of its commerce and manufactures from the repeal of the Corn-laws, rather than to any reduction in the price of corn. Looking at the position of the foreign corn-grower, and the state of those countries from which we should obtain our supplies if the trade were thrown open, it was impossible that any very considerable increase could suddenly take place in the amount of grain grown in those countries, unless a much larger quantity of land was thrown into cultivation—a matter of some difficulty in countries which had not made any great advances in civilization, like those in the Ukraine and the Vistula—not on the banks, but at some distance from it—districts which grew corn, and brought it down that river to the ports of shipment. The land in those countries was for the most part forest land, covered with wood or heath, capable when well laboured, successfully treated, and amply manured, of producing large crops; but the bringing of such lands into cultivation could not be done by a thought or a wish, or by the mere magic of an English act of Parliament abolishing the duty on the import of corn, and throwing open our ports to the foreign grower. He must have hands to cultivate, and although in this country the population was rapidly increasing at the rate of 1,000 a-day, and the demand for corn increasing at the same rate, he believed that in those distant countries of which he spoke, the increase in the population during five years was little more than nominal. He did not say that the improvement in commerce would not benefit those countries as well as ours, nor did he say, that the number of inhabitants would not increase—that their lands would not be better cultivated and their crops improved—but this was not the work of a day; and he was not at all certain that even when all this should be achieved, there would be any very formidable or alarming abundance in the supplies from those countries. It was almost as chimerical to suppose, that anything like a glut would result in ten years after the introduction of a free-trade in grain, as to suppose that such a change in the law would immediately make an important difference, if any difference at all, in the supply. As the condition of the people improved they became greater consumers—and as the numbers of the people in the Ukraine, in Poland, and other corn-growing countries increased, and they advanced in civilisation, their circumstances would improve, and they would become greater consumers of their own produce, and to such an extent as to make the export of that produce much less in proportion than it was at present. Their Lordships might see an example illustrative of this argument in a country near this, and with which they were all acquainted: he alluded to Ireland. Great Britain had imported thence, for the three years ending 1835, not less on an average than in each year 761,000 quarters, whereas the average for the three years ending 1841, was only 216,000 quarters. This was, he devoutly hoped, or rather, he doubted not in the least, owing to the improvement which had taken place in the condition of the Irish people, who had thus consumed more than previously of the necessaries of life. A noble Lord had referred the national distress, not to the

Corn-laws, but to the currency; but then the noble Lord had reckoned that pernicious influence since 1835 only. But how could it be said that a measure passed twenty years before that period could have caused the existing distress. How could the Bank be said now to have the power of unduly influencing the currency; since, as the gold standard was established, the moment a single note was issued over what the currency really required, that note would speedily be returned on the Bank. So long as the conversion of Bank paper into gold was compulsory, there was no danger of the recurrence of such depressions as might have been the result of a system under which the market price of gold was so much above the Mint price, that it was 5*l.* and even 5*l.* 10*s.* and an ounce instead of 3*l.* 17*s.* 10½*d.*; and under which a bank note for 1*l.* passed only for 14*s.* For all these things, there had been a clear reason,—viz., the non-convertibility of the paper into gold; and now that this convertibility had been completely established, no such things could possibly be apprehended from the currency. Notwithstanding which, he regretted that at the time of this settlement there had not been some arrangement as to the public creditor. The noble Lord had said, there ought to be more paper. Why, would the noble Lord wish Government assignats to be issued? Would not the noble Lord be at all apprehensive of the return of the system in this country under which, in France, 20,000 francs in assignats had been given for a pair of gloves. He did not expect to induce their Lordships, now, to agree to the total repeal of the Corn-laws; but he hoped the day was not far distant when the people would open their eyes to the necessity of that great change. If, on no other ground, such a change was desirable as a final and conclusive settlement of the question—a measure which would quicken trade, and which would revive commerce and manufactures, by opening fresh markets for our energy, enterprise, and industry—putting an end meanwhile to the dissensions between different interests. He altogether rejected the notion, so often urged, of the labourer's having an interest in this question by reason of low prices (as it was alleged) producing low wages, though it was admitted that high prices did not always produce high wages. He needed not remind their Lordships, that the price of labour depended upon the demand for it, and the supply of it in the market. Whatever might be the price of provisions, the price at which labour would be sold must depend upon the amount of it brought to the market, and the amount of it demanded. Was a reason for this required? Here was one. When food was, from any cause whatever, dear or scarce to the working man, he would naturally work harder, and during more hours of the day, which, by producing an increased supply of labour, would tend to keep the market down. But lower the price of food, or by any means provide the working man with more of it than he then has, and you necessarily lessen the pressure which induces him to work, and you raise the price of labour in proportion as it is less brought into the market. If they wanted a fact as evidence of his proposition, look to America. There food was cheaper, but was the price of labour lower in consequence? No; the price of labour was as a dollar there to 2*s.* a day compared with the price here; while the price of grain was as 40*s.* there, and 60*s.* here. It was very well for a noble Lord behind him to remind him of the difference of population, and that the supply of labour in America was less. He ought to have also added, that America is an uncleared country, and that therefore the demand for labour was greater. That precisely made out his case. It was because there was a less supply of labour, and a greater demand that the price of labour was higher, though food was cheaper. Perhaps he ought to apologise to their Lordships for repeating the arguments against this oft-refuted fallacy; but it was only in the repeated refutation of it that there lay any hope (slight, he admitted) of its ultimate abandonment. He felt also, that he ought to apologise for having detained the House so long; but he had deemed it his duty to state his objections to the existing system and to the present measure, and also the reason why he proposed a resolution different from either. Situated as he was, not wishing, by voting with the noble Lord, to condemn a measure which, after all, he admitted was an improvement, and, on the other hand, not wishing to record an unqualified support of the present measure, he felt that he had no alternative but to take the course which he had already indicated. In the event, then, of the amendment of the noble Earl being negatived, he should move as an amendment to leave out all the words after the word "that," and to insert these words "no duty ought to be imposed upon the importation of foreign corn of any description."

The Earl of *Shaftesbury* very much doubted whether it was competent to the noble and learned Lord thus to move a general resolution as an amendment upon the second reading of a particular bill.

Lord *Brougham* entertained no doubt whatever on the subject. It was competent to him to move such an amendment even on the question that the bill be read a second time.

The Earl of *Shaftesbury*: Not an amendment of any sort or description.

Lord *Brougham* said, it was quite consistent with Parliamentary usage to move an amendment on an amendment. It was customary in the other House of Parliament, and the first vote was taken on the second amendment. That was done in the Duke of York's case when it was before the other House, as the noble Lord (Lord Canterbury) on the cross benches would, no doubt, remember.

The Earl of *Ripon* said, it seemed to him very doubtful, whether the amendment could be put, because the first question to be decided was, whether the noble Earl's amendment should be agreed to. If that were decided in the negative, the bill would be read a second time, and then he did not see how the noble and learned Lord's amendment could be put at all.

Lord *Brougham* maintained, that the first question would be put on his amendment.

Lord *Canterbury* apprehended the noble and learned Lord was quite mistaken. The first question to be put, would be on the original motion. The amendment of the noble Earl would be stated to the House, merely as an inducement not to agree to the original motion. Unless the original motion were negatived, the question would not be taken on the amendment; and if the amendment could be put at all, then the second amendment, that of the noble and learned Lord must be put first.

Earl *Fitzwilliam* said, the House would give him credit, he was sure, for having no intention to discuss this question; but, at the same time, considering the importance of the subject and the course which he intended to pursue, he should be sorry to give a silent vote. It by no means followed, from the course he had taken on former occasions with regard to the question involved in the amendment of his noble and learned Friend, that he should take the same course now. Seeing as he did, that the existing law was one of which it was exceedingly desirable for them to disencumber themselves, he could not help entertaining considerable gratitude towards those who, if not the first to take the lead, had at least mounted very gallantly the gap made by others. He should vote for the second reading of this bill, not because he thought there was anything of finality in it, but because he thought, in accordance with his noble and learned Friend below him, that it carried in itself the seeds of future amendment. He held it to be impossible for any one to believe, that the right hon. Baronet, who by propounding this bill and the tariff in connexion with it proved, that he was not the nominal head merely of the Government, but its real head, did not see much further into this question than those Gentlemen who thought it would be a final settlement. A final settlement of this question there could be but one, and that was by the adoption of perfectly free-trade. Not that he understood by free-trade the principle contained in the amendment of his noble and learned Friend, that there must be no duty whatever on foreign corn, but, that there should be no duty levied for the purpose of regulation. And the tariff seemed to him, as far as it went, to be in accordance with what he conceived to be the principle of free-trade, so far as that the duties levied appeared to be for revenue, and not for the purpose of regulation or protection. He looked upon this biil as being a step in advance. Whether it would have the fourteen years' life of its predecessors he did not know, but his own opinion was, that it would not last quite so long. Believing as he did, that its introduction had depended upon the last harvest, so he thought its duration would depend upon ensuing harvests. In now voting for the second reading, he was not involving himself in the responsilbility of hereafter supporting it, nor did he say, that he might not at once attempt to produce some modification of it.

Viscount *Melbourne* said, although he had nothing to say on the question that had not been said over and over again in the course of the debate, yet to prevent misunderstanding he thought it right to state his reasons for voting as he should do on the present occasion. From the opinions he held, the propositions which he had already brought forward, and the course which he had taken in regard to the question, it must be already well known to their Lordships that he could not approve of either the principle or the general provisions of this bill. At the same time he concurred in the opinion that had been already expressed, that it was a considerable improvement on the existing law; and, therefore, though he should in the course of its progress through the House attempt to prevail on their Lordships to adopt a principle which he considered to be more prudent, wise, and fitted to the best interests of the country than those embodied in the bill yet, at the same time, he should not take a course which would deprive them of the advantages which the measure was calculated to confer on the country. With these views he should vote for the second reading.

Their Lordships divided on the question that the word "now" stand part of the question — Contents 119; Not-Contents 17:—Majority 102.

List of the Not-Contents on the first division.

DUKE.
Buckingham

MARQUESS.
Clanricarde

EARLS.
Orkney
Tankerville
Stanhope
Malmesbury
Yarborough

LORDS.
Hastings
Willoughby d'Eresby
Camoys
Beaumont
Kinnaird
Lilford
Rayleigh
Godolphin
Western
De Freyne.

The question again put that the bill be now read a second time;

Lord *Brougham* moved as an amendment to substitute these words: "No duty ought to be imposed on the importation of foreign corn." Their Lordships divided on the question that the words proposed to be left out stand part of the question—Contents 109; Not-Contents 5:—Majority 104.

List of the Not-Contents on the Second division.

MARQUESS.
Clanricarde

EARL.
Radnor

LORDS.
Kinnaird
Brougham
Vivian.

The following protest against the second reading of the bill was entered,

Dissentient—

1. Because no alteration in the existing duties upon foreign corn ought to have been proposed without having previously endeavoured to ascertain by a Parliamentary inquiry at what prices, and in what quantities it could be imported; and also whether the remunerating prices of corn which is grown at home continue to be the same as they were when the present Corn-law was enacted.

2. Because the protection which agriculture now enjoys is not greater than is requisite, is advantageous to all classes of the community, and could not be diminished without extreme injustice to those who, under the faith of Parliament, have invested their capital in the cultivation of land.

3. Because the proposed alteration of the Corn-law would "cause a very considerable decrease of the protection which the present duty affords to the home grower," as was allowed to be the case by the Minister who recommended that alteration.

4. Because a "very considerable decrease" of the present protection would discourage British agriculture, might render this country dependent upon foreigners for a supply of the first necessary of life, and might, in the event, of unfavourable seasons, expose it to the horrors of famine.

5. Because a "very considerable decrease" of the present protection might produce a permanent depression in the prices of British corn, a corresponding diminution of consumption and expenditure, and a corresponding increase of the distress and discontent which now unhappily prevails.

6. Because the discouragement of British agriculture would be very injurious to the labourers who are now employed in tillage, and might reduce their wages, which, in many districts, are already much too low to provide for their comfortable subsistence.

7. Because it is the bounden duty of Parliament to afford due protection to those who are employed in agriculture, as well as in any other branch of British industry, all of whom have a common interest to prevent the competion of foreigners in the home market.

STANHOPE.
MALMESBURY.
BEAUMONT.

Bill read a second time, to be committed the next day.

Adjourned.

HOUSE OF COMMONS,

Monday, April 18, 1842.

MINUTES.] BILLS. *Public.*—1°. Excise Duties; Compounds; Roasted Malt; Property Tax.

Private.—1°. Mieville's Divorce.

2°. Kington Roads; Camberwell and Peckham Lighting.

Reported.—Weston-super-Mare Improvement and Market; Southwark Improvement (No. 2).

PETITIONS PRESENTED. By Lord Dalmeny, Mr. Craig, Mr. Sharman Crawford, Mt. Wakley, Sir Thomas Troubridge, Mr. Thomas Duncombe, Mr. Colville, Mr. Mackinnon, Mr. Hutt, Sir John Hanmer, Mr. Barnard, Lord John Russell, and other hon. Members, from Ross, Athlone, Edinburgh, Rochdale, St. Austell, Leeds, Windsor, Stroud, Rochdale, Gateshead, Northallerton, Littleborough, Stirling, Norfolk, South Shields, and other places, against the Income-tax.—By Sir R. Inglis, from Prescott, and Twyning, against any further Grant to Maynooth College.—By Lord Francis Egerton, and Sir Thomas Freemantle, from Bolton, and Rye, in favour of the Government Financial Measure.—By Mr. C. Berkeley, from Guardians of the Poor in Thornbury, and Chipping Sodbury, that Railway Companies may be compelled to Contribute to the Maintenance of the Poor in those Parishes through which they pass.—By Mr. Wakley, and other hon. Members, from Shoemakers in Nottingham, Winchester, Reading, Eton, Portsmouth, and other places, against the proposed Alteration in the Import Duty on Foreign Boots and Shoes.—By Mr. D. Jackson, and Sir R. Bateson, from Rincurran, Killowen, and other places, against the National Education System (Ireland).—By Sir Robert Bateson, from several places in the county of Antrim, for an Alteration of the Law of Marriages (Ireland).—By Mr. Beckett, from Attorneys at Leeds, and Derby, for Repeal of the Duty on their Certificates.—By Mr. Hardy, and Lord Francis Egerton, from Bolton, and Oakham, against the New Poor-law Amendment Act.—By Mr. Blackstone, from Baydon, Wallingford, and the Western Division of Norfolk, against the Importation of Foreign Cattle.—From St. Mary's, Lambeth, for the Redemption of the Tolls on Waterloo, and the other Metropolitan Bridges.—From Pembroke, against the Removal of the Mail Packet Stations from Milford and Waterford.—From Ratepayers of Strabane, complaining of the acts of the Poor-law Commissioners.—From the Catholic Inhabitants of Armagh, complaining of the proceedings of the Law Officers of the Crown at the North East Circuit of the late Assizes.—From J. J. Stockdale, for substituting Solemn Declarations for Oaths.—From W. Carson, praying that an Inquiry may be made into his plan for Heating and Ventilating the New Houses of Parliament.—From Edinburgh, and Chippenham, for, and from Batheaston, against the Repeal of the Corn-laws.—From Aberdeen, for a Fixed Duty on Corn.—From R. E. Varely, for Compensation to Corn Inspectors.—From Aberdeen, against Reduction of Duty on Foreign Corks, and against the Exportation of Labourers from British India.—From W. Robinson, praying that a Tax may be levied on all Property in Great Britain and Ireland for the Discharge of the National Debt.

DRAINAGE.] Mr. *F. Maule* wished to put a question to the right hon. Baronet the Secretary of State for the Home Department with respect to the Drainage Bill. The right hon. Baronet must be aware that there were two bills under the consideration of the committee up stairs. He was anxious to know from the right hon. Baronet when he would be able to introduce the Drainage Bill into that House.

Sir *J. Graham* could not, at present, name any particular day, but he begged to assure the right hon. Gentleman that the bill was in a forward state of preparation.

EXPORT-DUTY ON COALS.] Mr. *Rice* wished to know, whether coals taken on board foreign ships for the ship's use merely, or be placed in depôt on foreign stations for the use of steamers, would be subjected to the duty intended to be imposed upon the exportation of coals?

Sir *Robert Peel* could not at present give an answer to the question. The subject was under consideration.

THE TARIFF.] Mr. *Hutt* wished to ascertain from the right hon. Baronet, the First Lord of the Treasury, in what order he proposed to bring under the consideration of the House the different measures adverted to in his financial statement. The right hon. Baronet had stated the other evening, that after the Income-tax Bill had been read a second time, he would bring the tariff under consideration. His question was this:—Did the Government intend to take the tariff in precisely the same tabular order in which it stood in the printed paper? or was it intended to consider, first of all, those questions in the tariff which related to the supplies of the year, and afterwards questions of a purely commercial nature?

Sir *Robert Peel* said, that the statement he had made was, that he wished to be certain that the Income-tax Bill would be adopted by the House before he proceeded with the consideration of the tariff. It was of great importance that the House should decide upon the question of the Income-tax, as, if it sanctioned the principle, there would be many details to be settled as to the mode of collection. He hoped, however, that the discussion in committee would not be very protracted, but he could not bring forward the tariff until he felt pretty well assured that the Income-tax would pass. When that should be the case, he would be perfectly willing to proceed with the tariff. He was as well aware as any hon. Member could be of the importance of taking the tariff into early consideration; and he trusted that the House would consider that measure as a whole whenever it should be submitted to their consideration. He saw no reason why the tariff should not be submitted to the consideration of the committee in exactly the form in what had been laid upon the Table of the House.

INCOME-TAX—FIRST READING.] Sir Robert Peel then brought in the Income-tax Bill.

On the question that it be read a first time,

Lord *John Russell* said, the House would remember that there had been no division in the House upon the question of the approbation of the Income-tax. The resolution had passed in the Committee of Ways and Means without a division. Afterwards when the report was brought up, he proposed to the House not a simple negative to the proposal for an Income-tax, but a resolution containing what he thought was the plan that ought to be pursued. The question, therefore, upon which the House had then decided, and upon which many hon. Members did not concur with him, was whether the proposal of the right hon. Gentleman should be accepted, or whether some other alternative should be approved of instead. After that division, it being a late hour of the night, and the House, being fatigued by the discussion upon the general question, he thought with the right hon. Gentleman, that it would be the more convenient course not then to take a division upon the question of agreement with the resolution. He therefore came now simply to that question only, without having any alternative to propose, but viewing the case only as an ordinary one of moving to bring in a bill against which he entertained a decided and insuperable objection. Having already troubled the House at length upon the question, he would not again go over the general arguments against the proposal, but he must say, that at the conclusion of the debate last week, those arguments remained entirely untouched by the right hon. Gentleman and his supporters. The general argument which he had intended to establish, and in which several of his hon. Friends had followed him, was, that this tax ought not to be imposed except at a time of extreme necessity—that a case of extreme necessity had not arisen, and that there were no circumstances in the general state of the country which justified the measure, and that financially speaking, there were other and less objectionable measures that might be adopted. The other evening, he had found, that the general course of the argument which he had adopted, had not only been shared by those hon. Members with whom he had, in general, the happiness to act, but that it had been forcibly stated some years ago by the right hon. Gentleman himself against the very same measure which the right hon. Gentleman, as the organ of the Government, proposed now to bring in. He had not, on the last occasion, been aware of the manner in which the right hon. Gentleman had stated his argument before, but if he had been, his own arguments could not have better tallied with that of the right hon. Gentleman. If the House would allow him, he would read to them what the right hon. Gentleman had said in 1833. In speaking of the conduct of Lord Althorp, (the Chancellor of the Exchequer) the right hon. Gentleman was reported to have said—

> "He thought likewise that the noble Lord had done well in not proposing an income or a property-tax. Nothing but a case of extreme necessity could justify Parliament in subjecting the people of this country, in a time of peace, to the inquisitorial process which must be resorted to in order to render that impost productive; and to have recourse to such a machinery for the purpose of raising 2 or 3 per cent, would be most unwise."

So it would appear, that with a sort of prophetic foresight of what was to happen in 1842, the right hon. Gentleman, in 1833, had fixed upon his present proposition, and declared it to be most unwise. Therefore he did not think it could be justly ascribed to that disposition, which it was alleged existed on his part, to find fault with everything that was proposed by the Government, that he had ventured to make some opposition to a proposition which was now represented to be so harmless, as an Income-tax. The right hon. Gentleman went on to say—

> "Such a tax was a great resource in time of necessity, and therefore he was unwilling, by establishing the offensive inquisition with which it must be accompanied, to create such an odium against it as might render it almost impracticable to resort to it in time of extreme necessity."

That was also an objection he had ventured repeatedly to make. He had not, ventured, perhaps, to express it in such strong terms, but he had ventured to say, that the infliction of this tax upon the country, at a time when there was no necessity for it, would give the country such a distaste against that tax—that it would become so unpopular, that it would be a barrier in the way of any Government which, in time of urgent necessity or peril, might find it necessary to establish it. One of the arguments used in reference to this tax, and upon the effect of which the right hon. Gentleman relied for its popularity, was, that it only affected persons possessed of income above 150*l.* a-year; and the right hon. Gentleman relied upon this argument, in order to put down the petitions of those who felt themselves aggrieved by the tax being placed upon them. He thought, that that course was unjustifiable, because the persons directly affected by this tax, although they might have more than 150*l.* a year, were persons who ought to be as much the objects of consideration to that House as any class whatsoever. There were clergymen, physicians—men of various professions—who struggled with almost as much difficulty as a labouring man, in order to maintain their families in that state of decent respectability which became men of education, who were accustomed to the comforts of life. He had stated, moreover, that although the proposed tax might, perhaps, be said only to affect persons of income directly, yet that it did indirectly affect the labouring classes, who would lose employment thereby. On that point, the right hon. Gentleman had said,

> "With respect to a tax upon property, as distinguished from a tax upon income, he very much doubted whether it would promote the interests of the labouring classes, because it would diminish the funds at present appropriated to the encouragement of industry, and the promotion of labour, and it would ultimately be found, that the tax did not affect the person who paid it, so much as the labourer, by diminishing his means of employment."

That was the wise and considerate sentiment expressed by the right hon. Baronet in 1833; and were they now told by the right hon. Gentleman, as a member of the Government, that an Income-tax was advantageous—that it would fall only upon the rich, and not upon the labouring poor. The House might depend upon it that, so far as regarded the effect of the tax upon the labouring poor employed in trades and manufactures, the opinions expressed by the right hon. Gentleman in 1833 were wise and sound. There was another question with respect to this tax, of which little notice had been taken in the course of the debate, but which was considered of importance in 1833, when Lord Althorp and the right hon. Gentleman spoke upon the subject. It was that portion of the tax which related to Ireland. He was glad that Ireland was to be exempt from the operation of the tax; he deemed it an inquisitorial, oppressive, and unjust tax, and rejoiced that any portion of the United Kingdom was to be free from it, and if other parts were to be exempted also he should rejoice yet more. But he knew not how it could be argued—and that was one part of the plan which he never could understand to be justifiable—that it was not desirable to have an Income-tax in Ireland, but that it was desirable to have taxes upon stamps and articles of consumption. They had pursued a reverse course in these cases to the course they were adopting on the present occasion. If the proposed principles of taxation were good and right, apply them to Ireland as well as to England. If, on the other hand, the course pursued towards Ireland was right, as he believed it was, why not adopt it as towards England and Scotland? It had been said that machinery for the collection of the tax was wanting in Ireland. But the right hon. Gentleman proposed to lay a tax upon the landed property of absentees, and there must be some machinery in order to find out what that landed property was, and the income arising from it. It was said that the machinery under the Poor-law Act was to be applied to that purpose: if that held good with respect to absentees, it was quite clear that the same machinery might be applied to the other purpose. He could not, therefore, discover that that was the chief reason for not applying the tax to Ireland. But what had the right hon. Gentleman said in 1833, with respect to the application of the tax to Ireland? Lord Althorp having said, that he did not see how he could exempt Ireland from the pressure, the right hon. Baronet observed:

> "The application of the tax to Ireland would be attended with extreme difficulty. He really believed that this circumstance formed the main obstacle to the establishment of the tax. It hardly could be contended that, if a property-tax were established, Ireland should be exempted from its operation. He wished to see Ireland as much favoured as possible consistently with justice; but to impose a property-tax upon England and Scotland, and to exempt Ireland from its operation, would, in his opinion, however unpopular that opinion might be, be exceedingly unjust."

He was satisfied with that declaration of the right hon. Gentleman. He could understand the argument that the tax might be inexpedient and oppressive in 1833, but that in 1842 circumstances might be such, that what was inexpedient then might be expedient now; but how that which was unjust in 1833 could be just in 1842 was, he owned, past the limits of his comprehension. He found that the other parts of the right hon. Gentleman's speech, from which he was then quoting, treated of other subjects; but if there were any passages in which, after having said the tax was unjust; the right hon. Gentleman had proved it to be just, it was, of course, in his power to quote them. He was quite aware of the right hon. Gentleman's ingenuity—of the ability with which, according to the statement of one of his Colleagues, he could dress up a statement for that House; but it would be difficult for even his ability to prove that just which he had shown to be unjust. The speech of the right hon. Gentleman appeared to contain the pith and substance of all the arguments they had heard during the late debate, and it was satisfactory to him to find that, without being aware of it, the objections he had offered to the proposed tax were founded upon grounds precisely similar to those that had been assumed by the right hon. Gentleman in 1833. The book from which he had quoted was a book called *Hansard's Debates**—a book certainly very familiar to hon. Gentlemen on the other side; but he was told, that in another report of the right hon. Gentleman's speech, namely, that in the *Mirror of Parliament*, epithets still stronger were ascribed to the right hon. Gentleman. There the right hon. Gentleman was made to use the term "disgusting inquisition." Now, supposing the tax to be of that nature, how was the second part of the proposition made out—that the circumstances in which the Government was placed were so extraordinary, and the peril so great, as to induce Parliament to agree to the imposition of the tax? He had indeed heard many attempts made by Members of the Cabinet to paint in darker colours the situation and prospects of the country, and to represent her inability to meet her enemies in less favourable terms than he could have wished to hear. Those expressions had indeed awakened the indignation of his right hon. Friend the Member for Portsmouth, but he thought they had signally failed of success. In a review of the state of the country, let them not omit from their consideration those parts of the empire which they were accustomed to regard in relation to its domestic and foreign position. Take the whole United Kingdom. England and Scotland were tranquil; Ireland was tranquil; the law which at present prevailed in that country was no exception at law, different from that of the rest of the kingdom. Ireland was under no insurrection act, no coercion act; and he trusted the noble Secretary for Ireland would feel proud of the tranquillity which prevailed there. Something had been said with respect to Canada. What had been the state of Canada for a number of years? For some time that colony had had a popular assembly. They represented certain grievances, which were remedied; but fresh demands were made, which rendered it necessary for the Legislature to insist upon what was probably an infraction of a constitutional principle, and an insurrection was consequent upon that act. The events, then, from 1832 to 1837, were unsatisfactory and dangerous in regard to Canada; but now an assembly or Parliament was constituted there, the great majority of which were well affected to the Crown and the interests of the British empire. Therefore, with respect to Canada, there was no danger which called for an extraordinary measure. With regard to our foreign relations with the principal powers of Europe, he could see no immediate danger. An hon. and learned Gentleman had certainly pointed out the means by which the fortunes of this country might be affected, and the circumstances which might lead to war, and he had not failed to observe the eagerness with which that statement was seized by the other side. Everything that looked like a prospect of war was caught up as an argument in favour of the Income-tax. But when, he would ask, had a Minister of this country ever imposed an Income-tax for a future contingent and prospective danger—a danger which he earnestly trusted would never fall upon this land? With respect to the melancholy reverses which we had experienced in India, and the calamities which had befallen our troops there, it had been said, and truly, that as a matter of finance they were to consider how far those misfortunes would be a drain upon this country; and, considered in that light, it had been shown by an hon. Gentleman, who had addressed the House particularly on that branch of the subject, that the present state of India did not require the imposition of a tax allowed to be oppressive, inquisitorial, and unequal. Much had been said about our relations with China, and one of the members of the Cabinet had spoken in terms which might have been used if the Emperor of China had been the Emperor Napoleon, and the fleet of junks at Canton had been the flotilla at Boulogne. If the dangers of 1804 and 1805 had been encompassing us, no Minister could have painted them in stronger colours than those used by the right hon. Gentleman in reference to the war with China. He had no such apprehensions with regard to that war as those expressed by the right hon. Gentleman. It was a war thus distinguished from other wars, that the whole expense was confined to the expense of the expedition itself. If we had been at war with one of the great powers of Europe, or with the United States, it would have been thought necessary to strengthen our colonial possessions, and so to order matters, that neither by sea nor land should the enemy gain advantage over us there. In the present case there was no such necessity. Nobody expected the Emperor of China to capture Jamaica, or to attack Gibraltar. It had been said there was no prospect of peace, but he thought the reverse. If it was meant that we could not compel the Emperor of China to sign a treaty of peace with this country, acknowledging our Sovereign as an equal monarch, there might be some ground for the assertion; but there was an alternative. But, supposing that not to be the case—supposing that it were not possible without incurring a much greater expense than would be advisable, to bring the Supreme Court of China to the terms which England would dictate, even then it would be in the power of this country to hold possession of some part of the Chinese territory—of the island of Hong Kong, or of Chusan, or of some other convenient point from which we might carry on our trade more securely than we had done of late years, and without the danger of having our Superintendant insulted or our trade suspended at the caprice of the Chinese. Therefore, with regard to China, he owned he could not see any such danger or ground of apprehension as seemed to influence the minds of the members of her Majesty's Government. That was his opinion of the general state of our relations with China. But supposing that he were mistaken—supposing that this country were annually compelled to pay a sum of 500,000*l.* to defray the expense of an expedition against China for some years to come, even that, in his estimation, would be no excuse for the imposition of an Income-tax. The second part of the question, upon which he apprehended they would have frequent opportunities of speaking hereafter, and upon which, therefore, he should not enlarge upon the present occasion, was tha which related to the tariff. He had no objection to the principle upon which the proposed alterations in the tariff were founded, for he was one of those who advised her Majesty, after stating to Parliament the necessity of considering some means of improving the revenue, to say in the speech delivered by the commissioners, on the opening of Parliament in the August of last year:—

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* See Vol. xvii., third series, p. 344.

> "Her Majesty is anxious that this object should be effected in the manner least burdensome to her people, and it has appeared to her Majesty, after full deliberation, that you may, at this juncture, properly direct your attention to the revision of duties affecting the productions of foreign countries. It will be for you to consider whether some of these duties are not so trifling in amount as to be unproductive to the revenue, while they are vexatious to commerce. You may further examine whether the principle of protection, upon which others of these duties are founded, be not carried to an extent injurious alike to the income of the State, and the interests of the people. Her Majesty is desirous that you should consider the laws which regulate the trade in corn. It will be for you to determine whether these laws do not aggravate the natural fluctuations of supply, whether they do not embarrass trade, derange currency, and, by their operation, diminish the comfort and increase the privations of the great body of the community."

Having given that advice when he was a Minister of the Crown, he could not now object to the principles upon which the present changes in the tariff were proposed; but he begged to say, with regard to those changes that he thought it would have been far easier to have carried them through Parliament, and that they would have produced much less of the panic which was now understood to prevail in many parts of the country, if the right hon. Baronet (Sir Robert Peel) had last year stated that these were the principles upon which he proposed to undertake the Government. Differing as the right hon. Baronet did from the late Ministry upon many points of policy, and declaring as he did that they were unworthy of the confidence of the House of Commons and of the country, it would still have been competent to him to have stated clearly and explicitly that with regard to the principles upon which our commercial tariff was at present founded, he thought there were many articles upon which the existing duty might be reduced to a mere nominal amount, and that there were other articles in respect to which the principle of protection was carried to an excessive and prejudicial extent. Had the right hon. Baronet done this, the people of the country, and especially the farmers of the country, who liked plain dealing upon subjects of this kind, would have understood what the right hon. Baronet meant to do; and seeing that both the great parties in the country, and the leaders generally on both sides of the House, were agreed upon these great principles, they would have had time and have taken means to consider whether they would not concur in those principles as proposed either by the one party or the other. But, even now, when the right hon. Baronet adopted these principles, it appeared to him that the right hon. Baronet had a hesitation in saying that which was the only proper thing to be said upon the subject. He had always said that the carrying of those principles into execution might at the first moment occasion inconvenience, might occasion injury, might occasion loss to many interests directly involved in the existing system; but that that injury and that loss would be repaid, and more than repaid, by the future and general prosperity of the country. But the right hon. Baronet did not say this. He was continually saying, with regard to corn and to articles of agricultural production, that the alteration in the tariff was to do two things. Whenever he spoke to the country generally he pointed to the revised tariff, and said, "This will diminish the cost of living—this will lessen the cost of articles of subsistence, and thereby the general welfare of the labouring and middle classes will be improved"—but when the right hon. Baronet spoke to the producers of these articles—when he addressed himself to the farmers, and to persons interested in agriculture, he said—"Prices will not be diminished—no material alteration will take place—your produce will be of the same value in the market." It was needless to remark that the right hon. Baronet in making these adverse statements was placing himself in an untenable position. As a matter of arithmetic it was plain and palpable, that this, which was to cost less to the consumer, could not be sold at the same price by the producer. The right hon. Baronet could not by possibility achieve the two things of which he spoke. He might accomplish the one, or he might accomplish the other. But the accomplishment of the two being impossible, would it not be much more frank and fair, much more like plain and honest dealing, if the right hon. Baronet, instead of shuffling between the two great interests of the country, were to tell them boldly and candidly what he really contemplated as the result of his proposition? If the right hon. Baronet adopted sound principles, let him be prepared to avow them. Let him not shrink from the truth—let him not be ashamed to own that he was acting upon sound principles of trade and commerce; upon principles which all the most enlightened writers upon these subjects had generally agreed, and which he (Sir Robert Peel) would not blush to own nor fear to defend, if they were called in question. For his part, when these questions came under discussion, he should act according to the principles he had always professed. He might probably think that with respect to certain articles the right hon. Baronet proposed to take off the protection rather too suddenly; with respect to others, he might think that the principle of reduction was not carried far enough; but generally, and as a whole, the principle which pervaded the proposed tariff was such as met with his approbation and would receive his support. He would mention one instance, in which he confessed he thought some explanation would be necessary. Hitherto there had been a heavy duty upon the importation of foreign copper; but the smelting of foreign copper in this country was not forbidden. The consequence was, that very considerable quantities of foreign copper ore had been brought here for the purpose of smelting, and the persons engaged in smelting it had afterwards sold that copper at a much lower price than British copper in foreign countries. A few years ago, when there was great activity in the dock-yards of this country and of France, he remembered perfectly well, that copper went from England to France 15 per cent. cheaper than it could be obtained in the dock-yards of this country. That was a part of the absurdity of the old law. The right hon. Baronet proposed, and very properly proposed, to change that law. But if the right hon. Baronet proposed to alter the restriction which had hitherto affected the importation of foreign copper, the right hon. Baronet must abandon the argument that he had urged, with respect to the importation of foreign sugar; because, in the proposed change with respect to copper, the right hon. Baronet was favouring the mines of Cuba. Mines worked by slaves. The right hon. Baronet would be giving an advantage not hitherto enjoyed to the producers of copper ore in a colony where the mines were worked by slaves, slaves subjected to the hardest and most oppressive kind of labour. How could the right hon. Baronet reconcile these inconsistencies in his proposition. If the principle upon which he proposed to act in respect to foreign copper were right, then why did he not stand to it in respect to foreign sugar. The two cases were exactly analogous; then why apply two different principles to them. With respect to the tariff, then, all that he would now say was, that whilst he approved generally of the principles upon which it was founded, he hoped that in some respects the right hon. Baronet would reconsider it, and that in others he would extend and enlarge it. He had stated at the commencement of his speech, that he had now no proposition to offer to the House. The question with respect to corn and some other articles had already been decided in that branch of the Legislature. Upon those topics, therefore, he should now be silent, but he conceived that in any view of the subject, the Income-tax was at this moment unnecessary; and that, if not based on the ground of great public necessity, it would be attended with all the disadvantages which were so ably pointed out in the year 1833 by the present Prime Minister of the Crown. In his opinion, it would tend to weaken the resources of the country in time of real emergency: it would teach the people, at a time when the impost was not imperatively necessary, to find out all the objections to which it was justly liable, and would lead them to resist or evade it in the hour of absolute emergency, when no other resource might be left to the Government. He could conceive that in a time of great peril, even though the people might see their way to an evasion of the tax, yet that they would be governed by too much of public spirit and of patriotism to avail themselves of it, and would consent to pay to the very last farthing that they were justly chargeable. But what was the testimony of the right hon. Baronet himself to the feeling of the country with respect to the Income-tax at the present moment? The right hon. Baronet said, that although he thought it generally approved of, yet that every class wished to be exempted from it, or to lay some ground of favour in respect to it. In his estimation there could not be a stronger proof that this was not the moment to propose such a tax. Take fifty of the persons who declared themselves to be generally in favour of an Income-tax, and he (Lord John Russell) would venture to say that forty-nine out of the fifty would differ as to the mode in which it should be carried into execution. No stronger proof could be offered to show that this was not the time for such a tax. Let the hour of absolute necessity arise, and the country would submit to the imposition without raising so many grounds of exemption or modification. He was fully persuaded that there were other sources from which the present wants of the Exchequer might be supplied. Looking at the taxes which had been reduced since the year 1830, he was persuaded that there were ample means of replenishing the Exchequer without having recourse to this unjust and inquisitorial tax. With that feeling upon the subject he should conclude by moving as an amendment that the bill be read a first time that day six months.

Sir *Robert Peel*: The noble Lord had felt it incumbent upon him in the discharge of his public duty to take the very unusual course of resisting the first reading of the bill which he had brought in, in conformity with the resolution of the House. The chief part of the argument upon which the noble Lord justified that unusual course of proceeding had been rather general—a sort of *argumentum ad hominem*, addressed personally to him; and in which the noble Lord very fairly and candidly said that, having had some difficulty in discovering any valid and sufficiently satisfactory arguments against this bill, he had done him the honour of referring to a speech made by him in the year 1833, in which he found the arguments against a property-tax much stronger and much better put forward than any that he had yet heard. He confessed that, up to this period, he had thought that all the arguments advanced against the present proposed Income-tax were exceedingly weak and inefficient, and he did not think, when the circumstances under which the speech of 1833 was made were considered, that the noble Lord had much strengthened his case by referring to what he then said. When an authority was quoted, it was always of great importance to refer to the period and to the circumstances under which that authority spoke. When he stated his strong objection to the imposition of an Income-tax in 1833—objections, the force of which he felt at the present moment—what, at that time, was the financial position of the country? According to the statement of the Chancellor of the Exchequer, there was then a net surplus of 1,500,000*l.* Lord Althorp proposed a considerable remission of taxes upon articles of consumption, amounting to a loss of revenue to the extent of about 1,000,000*l.* The immediate loss to the revenue would be greater; but Lord Althorp calculated upon an increase of consumption which would make up a part of the deficiency, and that the total loss that he would sustain by the proposed reduction of taxes would still leave him a net surplus of about 516,000*l.* That was the financial position of the country when he was called upon to deliver an opinion upon a projected tax upon property and income. Proposals were made to reduce the malt-tax, the house-tax, and the window-tax; and it was proposed to impose a property-tax by way of commutation for the house-tax and the window-tax. He decidedly objected to the imposition of a property-tax to effect that commutation. And even now, if the Exchequer were in possession of a surplus of 500,000*l.*, and a proposition were made to reduce the malt-tax, the house-tax, and the window-tax, and to substitute in lieu of them a property-tax, he should offer to such a proposition the most strenuous opposition. He stated in 1833, that the house-tax and the window-tax partook of the nature of a property-tax, and that, having at that time a surplus of 500,000*l.*, he would not consent to the imposition of a direct property-tax —which he admitted to be open to many objections—with the view of relieving the country from a corresponding amount of charge upon houses and windows. What was the course which he took in 1833? Lord Althorp had lost the malt-tax. Lord Althorp asked what course he thought ought to be pursued. He replied,

> "You may rely upon my support in the maintenance of the public credit; and if you come down to rescind the vote by which you have lost half the malt-tax, you may depend upon my support in utter oblivion of all political considerations."

He felt it to be his duty, under any circumstances, to maintain the public credit. He accordingly voted with Lord Althorp in rescinding the resolution of the House with respect to the malt-tax, and assisted him to the utmost of his power in upholding the public credit. And he begged to tell the noble Lord, that it was mainly in consequence of the assurance so derived from him that Lord Althorp took the strong and decided measure of calling upon the House to rescind the vote it had previously given upon the subject of the malt-tax. What was the vote in reference to a property-tax that Lord Althorp at that time asked him to join him upon? It was proposed to take off part of the malt-tax and part of the house-tax and window-tax. Lord Althorp met that proposition by another proposition. If the malt-tax, the house-tax, and the window-tax were reduced, this was the way in which Lord Althorp proposed to make up the deficiency that would be occasioned in the revenue—all this, be it observed, was in a time of profound peace, and when the only ground for the proposition was one of financial emergency—this was the way in which Lord Althorp proposed to proceed:—

> "That the deficiency of the revenue which would be occasioned by a reduction of the tax on malt to 10*s.* a quarter, and by the repeal of the taxes on houses and windows, could only be supplied by the substitution of a general tax on property, and would occasion an extensive change in our whole financial system, which would at present be inexpedient."

Four days after Lord Althorp moved that amendment he gave his vote in favour of Lord Althorp's proposition. When the noble Lord referred to his opinion, with respect to Ireland, he had done him an injustice in quoting only a part instead of the whole of the opinion he had expressed. He was willing to admit that Ireland had no claim to an exemption from a property tax to which England and Scotland were subject; but his reason for exempting it now was, because there was no machinery in Ireland, by which such a tax could be collected. He proposed, however, to raise a corresponding sum by an additional amount of taxation upon stamps and spirits. From those sources, the latter of which partook in some degree of the nature of a property tax, he calculated upon obtaining an equivalent for a general property tax in Ireland. When the noble Lord charged him with having changed his opinions upon the subject of the property tax, perhaps it would have been more fair if he had read the opinions which he expressed on the occasion. His words were these:—

> "He repeated, that the repeal of the half

of the malt duty carried with it the repeal of the whole; and if the whole duty were repealed, and the house and window-tax were repealed, they would not be able to satisfy the public creditor; for it was a perfect delusion to suppose that the deficiency could be made up by increased consumption and by a reduction of expenditure. The only alternative, then, was a property-tax, to which he was decidedly opposed. He would not pledge himself beyond the present occasion; but he would say that, in the present circumstances of the country, and at the present period of the Session, either a property or an Income-tax would be a great calamity."*

Those were the opinions which he expressed in 1833, admitting the inquisitorial character of the tax, and objecting to it, by way of commutation for other taxes, at a time when there was a clear surplus of 1,500,000*l.* in the Exchequer. But he asked whether the condition and circumstances of the country were not now so different as to justify him in taking a different view? The noble Lord said, that the Income-tax was one that would excite discontent, and even disgust in the country, as soon as it should come into actual operation. He admitted that it was not likely to be popular. But if he were to encounter so much of disgust, dissatisfaction, and unpopularity—if he were to be met by all the difficulties and obstructions which the noble Lord had pointed out, and some of which, perhaps, he could himself foresee—what reason could he have in proposing a measure which would bring these consequences upon his head, except a firm belief that it was absolutely necessary to maintain the public credit, and a conviction that that credit could not in any way be so well maintained, or in a way so little oppressive to the country generally as by a property-tax. The noble Lord said, that there was no such pressing necessity which warranted the imposition of a property-tax. Why, at the end of the present year the deficiency upon the last six years would not be less than 10,000,000*l.*; and upon the current year, ending April, 1843, the deficiency, exclusive of any expenditure that might be rendered necessary by the course of events in India, the deficiency would be at least 3,000,000*l.* In addition to that, he calculated upon a loss of 1,200,000*l.* from the reductions proposed upon the tariff, so that the gross deficit for which he should have to provide would not be less than 4,200,000*l.* After all that had been stated in the course of the long and protracted debates upon the subject, he owned he could not see how he was to raise such an amount of revenue as would enable him to meet that large deficiency, without having recourse to such a tax upon income as that which he now proposed. Considering that they might confidently expect that the revival of trade and additional consumption would enable them to relieve the country from this tax, he thought they would much less disturb the industry of the country and the application of capital, by imposing a tax on property, than by trying to revive the taxes on such articles as salt, malt, and leather, which would have to be paid by all those whose condition they were so anxious to improve. He was firmly of opinion that he was consulting the interest and security of those who owned property, by the imposition of a property-tax, far more than he would have done had he subjected the great masses of the working classes to indirect taxation. Considering the manner in which property had accumulated, and considering the emergency in which the country was placed, he felt, that he was perfectly justified in the proposal which he had made to raise a deficit of 4,200,000*l.* from the incomes of the landed aristocracy, and from the profits—for where no profits were made there would be no taxation—of those engaged in trades and professions, and he felt firmly convinced that his proposal was not only consistent with justice, but also with the interests of those by whom property was possessed. He believed, that among the consumers there was a feeling of satisfaction with his proposals, and a conviction that by the alterations proposed in the tariff they would be compensated for the inconvenience to which the tax would subject them. Notwithstanding the opinion which he formerly expressed, and which he still retained—that, with a surplus of 1,500,000*l.*, an Income-tax would be most unjust; and not denying its inequality or its inquisitorial character—still, from the result of the debates, and from the communications which he had received from various parts of the country, he was confirmed in the strong opinion which he had previously entertained when he opened the question to the House—that his proposal at the present emergency was both called for and just. He had not, in discussing the question, travelled beyond the limits which the noble Lord had prescribed. He had confined himself to answering the speech of the noble Lord, particularly that part of it having a personal reference. He thought it inconvenient to enter upon any discussion at the present moment in respect to the tariff. He thought he should be able to show, when the proper time came, that they might confidently rely on a reduction of price on the articles of subsistence, and that that reduction could be made consistently with the promotion of the interests of the producer as well as of the consumer. He would, however, take the present opportunity of stating, that he should propose two modifications in the measure, for the purpose of remedying the objections made in the course of the debate. One was, in reference to the position of tenants in Scotland, which had been stated, and truly stated, to be differing from the position of tenants in England. The tenant in Scotland was not subject to any payment on account of tithes, nor was he subject to any of those payments which in England usually fell on the occupying tenant, but which in Scotland were borne by the landlord; and this was the reason why, in the act of 1806, a distinction was made—apparently, but not in reality—in favour of the occupying tenant in Scotland. He wished to place the tenant in Scotland on the same footing, or as nearly as it was possible on the same footing, in this respect, as the tenant in England. If the English tenant occupies land tithe-free, he will be entitled to a deduction of one-eighth from the amount of assessment. That was clearly a deduction to which the tenant in Scotland was entitled. Again, supposing the landlord of the English tenant paid the usual charges, and this he almost universally did, the tenant in that case would be entitled to a remission. When he came to compute the amount of these deductions, he found that substantial justice would be done by charging the Scottish tenant on about one-third, instead of one-half, of his rent, making him liable for 2½*d.* instead of 3*d.* in the pound. He believed that this would place the tenantry in the two countries on nearly the same footing. He thought it better to do this than to call on the tenant in Scotland to make a return of the amount of his exemptions. In regard to the other modification which he had made, he was aware that one great objection to the tax was its inquisitorial nature. It was said, and said with great force, that it was unfair to subject the trader, or any other person liable to contribution under schedule D, to the inquisition established by the act of 1806; and it was further said, and no doubt justly enough, that the case of a trader or of a professional man differed from that of the landed proprietor or of the person possessing funded property, whose incomes were generally very well known. The arrangement which he proposed to make respecting the property in schedule D was to leave the act of 1806, in reference to this point, as he found it—namely, to permit those who preferred it to go before a local commissioner, appointed by parties independent of the Government; but in case any one objected to go before the local authority, and this might happen where the commissioner was a competitor in trade or a rival in manufactures, or where the disclosure of a person's income before a particular commissioner might be prejudicial or vexatious—if, then, any person objected going before the local commissioner, it was proposed to give the party the option of either doing so or of sending a return of his income to a sworn officer, the inspector of stamps. He proposed also that surcharges should be brought before that officer, with an appeal to a special commissioner, and that any person should have the option of disclosing his affairs to a special commissioner appointed by Government, with the same power as the other commissioners. He had attempted to reconcile as far as possible these two objects, the impartial and just imposition of the tax, and the prevention of evasion and fraud; he sought to apply a remedy to those special evils, which were alleged to arise from an inquisitorial examination of the concerns of the trader or professional man. He hoped that he had removed at least some part of the objection by the remedy which he had proposed. His belief was, notwithstanding the predictions of the noble Lord the Member for London respecting the disgust with which the tax would be hereafter viewed, and the unpopularity which would visit those who had proposed it, —notwithstanding this prediction, he must say, that there were indications throughout the country generally of a strong prevalent impression that the maintenance of public credit required the adoption by Parliament of some vigorous and decisive course—his belief was, that among those parties who possessed property—and he spoke of property embarked in trade or manufactures, as well as property of a more permanent character—among such persons he believed there was a strong prevailing opinion, that if they were to raise 4,200,000*l.* for the purpose of maintaining the public credit, it was perfectly consistent with justice, as well as policy, to impose the burden on property, rather than to curtail the comforts and enjoyments of those who constituted the great mass of the working classes. He would not enter any further into the discussion of this subject. He did not know whether the noble Lord opposite would feel it his duty to take the sense of the House on the present occasion or on the second reading. If, considering the peculiar circumstances of the discussion, the season of the year, and the immense importance to the trade and manufactures of the country, that the sense of Parliament should be ascertained and the question settled—if the House, considering all these things, should think it advisable to make a temporary relaxation of those rules which confined their discussions on this subject to two days in the week, he would willingly propose to devote more than two days to the consideration of the Income-tax and the tariff.

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* Hansard Vol. xvii. third series, p. 815.

Mr. *Villiers* said, that the right hon. Baronet had in one respect, he thought, made one of the most important speeches which he had delivered since he announced his financial scheme, for it had done what his former speeches had left undone, in giving the country some insight into what were his general views and intentions with respect to the peculiar tax which he was about to impose on the country. His scheme had been so ingeniously contrived, and his speeches so cleverly composed, that up to this moment he had succeeded in leaving many, and particularly those who were opposed to him in doubt, as to the course they should pursue. There were many, and he was among the number, who were far from satisfied with the justice and operation of our present system of taxation; who thought it was oppressive to the poor and partial to the rich, and who were strongly in favour of transferring from poverty to property the burdens of the State. There were many who saw nothing to approve in the particular purpose of this tax and the occasion selected for its imposition, but who yet thought that it was the recognition of a sound principle as regarded taxation, and that it would be wise to endure its inconvenience, with the view ultimately to its general application; always assuming, however, that this was the view taken by the right hon. Baronet; and that, alive to the evils of which they complained, as to many of the taxes, was not wanting in will to apply the remedy. The speech they had just heard, however, will dissipate this illusion at once, and enlighten the country as to the right hon. Gentleman's views of the object of a property-tax—for, called upon to-night to vindicate his consistency for opposing a property-tax in the year 1833, the right hon. Baronet candidly tells us that the ground of his opposition then was one that he would maintain now; that a property-tax in lieu of those indirect taxes which existed now, of which the people complained, was one which the right hon. Baronet would join any party in opposing. No man should be found more firm in opposing any substitute for the duties on malt, on soap, or any of those indirect taxes which now existed; and the right hon. Baronet had distinctly said, that all which he proposed the Income-tax for now, was as one means of maintaining the public credit, as a means of getting more revenue, and with no intention of ever proposing it as a substitute for any other tax, and much less for any indirect tax then pressing upon the people. This, then, was candid and intelligible, though calculated a little, he thought, to influence that impression to which the right hon. Baronet had alluded as prevailing in the country in favour of his plan, but which he (Mr. Villiers) thought had been produced by the vague, uncertain, and inconsistent things which had hitherto been said upon this subject of taxing property, and which pervaded every speech the House had heard from the right hon. Baronet, in which he seems to mark out the rich as the proper objects of taxation, and expresses sympathy for the necessities of the poor. It would be clear, however, hereafter, that this is a tax now imposed not in lieu of any other, not in any spirit of benefitting the poor, but in aggravation of every other, and because other means are not resorted to for getting the money; and it ought to settle those doubts now floating about on this side, as to whether evil should not be supported that good might come; for, certainly, now, the right hon. Baronet had confirmed the view which he had entertained from the beginning, that the financial difficulty which it was intended to remove resulted from the commercial and financial system maintained so long and opposed so long in this country, and that this tax was really to meet for its necessary consequences. It was that peculiar system which placed the people of this country under the twofold contribution of paying taxes to the State and taxes to particular classes, which had caused our present condition; and as one of that party, who had long since deprecated the principle and predicted the effects of that system, he would only consent to relieve the difficulty by removing its cause. The fact was, that that peculiar system of finance which made the revenue dependent upon the general condition of the people was now breaking down, and its failure was caused by monopoly in their food and restraints upon their trade; the former, in exhausting men's means by enhancing the cost of subsistence, and the latter by narrowing the field for employing their labour. The revenue now began to feel its effects, and the struggle was really between the means of maintaining public credit and maintaining monopoly. The real question the House had to examine was, whether we would uphold public credit by abolishing monopoly or by imposing fresh taxes; and he was glad to think that this year, at least, those who took that view of the influence of monopoly upon revenue were spared the trouble of proving what they had so often said, for as a fact it may this year be numbered with those many admissions on which the noble Lord, the Member for North Lancashire, had declared there had been such unanimity. Last year he was tauntingly asked what the Corn-laws had to do with the budget, and when he replied that they were not only a heavy tax imposed upon the community for a class, but inasmuch as the article corn was essential to life, it was the first tax that people had to pay, and it depended upon the amount of it what was left for the State, it was treated as a vision of the free-trade party, and one of course to be neglected; this year, however, we hear of the influence of the cost of living upon the value of an income, and the connection between harvests, which means the cheapness and dearness of food, and the revenue derived from customs, and excise, and notwithstanding all the vulgar tirades they had heard against commerce and manufactures, they now heard of solicitude expressed for the languor of commerce, and the importance admitted of easing the springs of industry. It was well that it should be so. It was time the old note should be changed; but the thing that the House had now to see was, that these admitted truths should be acted upon and applied. He for one had yet to suspect that they were not very earnestly entertained, or they would not, he thought, have seen such a Corn-bill as had been passed—nor have had such a tax as that on income proposed, nor would so small an instalment of what was due to the people have been offered as in the proposed tariff. And, indeed, he thought it incumbent upon those who had proposed this tax explicitly to declare to what they ascribed the declining tendency of our revenue, what they thought of its cause, and its character, for upon that turned the prospect the country had of its duration, and also of the proportion of the burden not being increased. For it was not because it was a direct tax that he opposed it; that was not the objection that he had, or that his constituents had to it, many of whom thought, and justly, as he considered, that property was a good test or evidence of a man's ability to contribute to the State, and he had received a memorial from those politically opposed to him to this effect, approving of the principle of the tax *quâ* property-tax, though greatly objecting to the rude and reckless manner in which it was proposed to be applied—assessing, as it was intended, all income without reference to its origin, or its liability. But it was not because property was directly assessed that he or they objected to it; on the contrary, they were ready for the application of that principle when an equivalent advantage was to be gained by it, or necessity required it. But it was not enough to say, in the present state of our finances, that the deficiency occurred under the late Government, and that the supporters of the late Government could not, therefore, object to supply the deficiency in the way proposed. That was not the view that satisfied those who stood aloof from both parties. They believed all the harm that Whigs said of Tories, or that Tories said of Whigs, when those charges had reference to matters of which they had no other cognizance; the people were, he believed, nearly satisfied as to what class have so long had the management of their affairs. They had enquired in whose hands the Government had been placed, that had brought them to their present state. And, if he mistook not, her Majesty's commissioners, on the hand-loom weavers, a short time since, satisfied that question in their report upon the condition of that unfortunate portion of our fellow-subjects, and whose state they were led to connect with the operation of our commercial laws, and they seemed to have been led into a reflection upon the character of the Legislature in consequence, and they reminded those who ruled this country that the Government of this country dwelt in a small minority of the community, who occupied entirely one branch of the Legislature, and who greatly preponderated in the other, and whose interests were entirely identified with one description of property, and cautioned them on the importance of their acts being above the suspicion of partiality, as such a Government could only rest upon public opinion, which would not sanction legislation observed and known to produce the misery and sufferings of the masses of the people. This, then, was announced on authority to be the real Government of this country, and the people being neither Whig nor Tory, were disposed to think, that the monopolies springing out of what they termed class legislation, had so far exhausted the means, and restricted the energies of the people, as to be answerable for the decline of this great industrial nation. The people, too, would soon learn, that the tax now proposed to be imposed on income was only a mode of escaping one of its temporary, but necessary consequences of the system. The people were not so dull and not so easily deluded as hon. Members opposite thought, when they supposed that they believed that this tax was favourable to them, because it apparently fell upon those above them. He had heard the opinions of many of them on the subject, and they said, "We shall take no part in the matter, but we are not deceived by the notion, that so far as we are dependent on the capital possessed by those above us, but if that is taxed or diminished, we must feel it in the diminished demand for our labour, but with regard to a means of extending our political power we are not blind to the effects of making the middle classes discontented. They believed, thoroughly, that the resources of this country have been wasted by those monopolies, and those arguments which are used in favour of part of this scheme, when the importance of reducing the cost of living is dwelt upon, leaves them no doubt of what has hitherto been lost to this country by that means. This, then, being the case, if permanent improvement is intended, why has the root of the evil not been avowed and struck at? What hope was there of ever discontinuing this tax, or making the others productive without that being done? And why has a tax been resorted to, which of all others, if the deficiency springs from the poverty of the people, must aggravate the evil. And at least, why have you not looked round to see if those who profit by those monopolies, contribute their due and fair proportions to the State. That source should at least have been exhausted before you resort to a tax that all must admit is oppressive to men in trade, and unequal to those who live by personal exertion. And is there not yet a fund untouched in these unequal taxes? It was but a few weeks since that I enumerated myself nearly one million that had been taken off the landed classes, and out of pure favour to them. Has any body denied that they were exemptions favourable to that interest, and that if the House were to re-impose them under the present increased value of real property, they might probably yield more than that million now? Has any satisfactory reason been assigned for that duty which is imposed upon the descent to personal property, not attaching to the succession of freehold property. Some subtlety was employed, he knew, the other night, to make it appear that some landed property was assessed for this purpose, but could any man doubt that a very large sum might be annually derived from this source; and can any man doubt that it is foregone merely to favour the landed proprietors. But the right hon. Baronet said to-night, that in spite of all that had been said, we had a deficiency to make up, and that there was no certain way within his knowledge, but that of taxing the income of the people. But the right hon. Baronet precluded himself from making that statement by an admission that he made himself, though not called upon the other night—the right hon. Baronet said what of course is true, and is well known, that there might immediately be collected a very considerable revenue on foreign sugar, now almost prohibited by lowering the duty on it; this hitherto had been met by the taunt that this was one of the theories of the political economists, of getting revenue by reducing duty. The right hon. Baronet knows, and now admits, however, that it is the fact, and that to-morrow, if he chose, the coffers of the Treasury might be replenished, if he would suffer the people to consume foreign sugar. He would like to place the necessity and the policy of an Income-tax, as explained this evening before the country, and let the sensible and humane people of this country judge fairly upon this issue, whether the expectation of preventing slavery in a foreign country, by not consuming their produce, was sufficiently well grounded to warrant the poli y of precluding the people of this country from the advantage of a cheap necessary, and for imposing a fresh and heavy burden upon this community. He had seen a comment upon this policy in a foreign paper, which he really thought just, and they called it the laughable hypocrisy of the English; and under all circumstances he thought the description just, for few people believed it would succeed, and most people believed it was insincere. Why, if there was any sincerity in this talk about slavery, the real sacrifice to make was not to send goods to a slave producing country; for it was to buy goods that sugar was produced. It was to get those goods that men were retained in slavery, and it was notorious that these slave-holding communities was now becoming some of our best markets; and that if they were to refuse our goods, or to raise these duties unfairly against us, we should be more disposed to go to war with them on that account, than commend them for adopting this means for preventing slavery. He, however, was not indifferent to the opinions of many benevolent men, who were of opinion that dealing with slave countries was a means of encouraging slavery, but he knew many, who no less benevolent, no less zealous or serviceable in that cause, were of opinion that this partial restraint on the trader with such countries was calculated rather to do harm than good. For instance, let them see how this policy might work for the continuance of slavery. What did you practically tell the West-India proprietary? Why, that as long as slavery continued in other countries their monopoly was safe. Why, then they had a strong interest in maintaining slavery; and they had something else, they had very great influence over the British Government, they always have had, and it continues; how then can any Government better secure the adherence of these partisans than by not remonstrating effectively with these slave states as they now are professing to intend to do? The West-India influence may and will depend probably upon their not doing it. Again, it was said with great justice, he believed, that if those countries saw that sugar would be produced by free-labour more cheaply than by slave-labour, and that our markets were supplied by those countries, which they might be, in which there were no slaves, it would be more likely to influence those countries who, it is said, are now wavering about slavery, than by any impotent threat or feeble remonstrance on our part to withdraw our custom, more important to ourselves than to them. Was it not notorious that the sugar grown in those parts of the world where labour is free, is brought to the European markets as cheaply and as good as that from Brazil? There is the sugar from Manilla, from Java, from Siam, from Cochin China, all produced by free-labour, all supplied to different countries at one-half, or less than one-half of the price of our plantation sugar. You say that we are bound by treaties with Brazil, not to let in the sugar from those countries on better terms than it is introduced from Brazil. But that is the reason for opening our ports to all. The only country where there is a chance perhaps of getting any terms for slaves is in Brazil. I know in that country there are districts, or provinces, where the proprietors question the importance to themselves of maintaining slavery, attended as it is with expense and insecurity. But they are a minority in the legislature of that country, and if you succeed in making them abolish slavery, you cannot let in their sugar unless you get the people of Cuba to do the same, of which, as you know, there is not the remotest chance; they profit too much by it from the manner in which the slave-trade is carried on; and I believe that by treaty you are bound not to show favour to trade with Brazil more than you do to Cuba. What a fancy, then, is it if it is an honest speculation at all, that by refusing to allow their produce to come out of the warehouses of this country, (for it is a fact that you allow it to come into the country and export it refined, and receive payments for other manufactures by means of other slave produce sent here or to other countries on your account), that you can abolish slavery in those countries, and what vast sacrifice you are making for this purpose, at all times, and in particular at this moment, when you are about to visit the trading classes with this odious assessment, sooner than get revenue without the addition but by the remission of the duty on this article. He really should wish the question to be rested upon this issue; for it is an obvious, easy, advantageous manner of supplying the revenue. For the purpose of maintaining the credit of the country immediately there were, he believed the ready means in the equalization of the stamp duties, and other duties which were now imposed with the view to favour the landed class, and by the reduction of differential duties on tropical produce, for what he said of sugar applied to all differential duties, which implied that the same article was brought to this country at different prices from the countries where it was produced, the very object of which was to preclude the community from consuming the cheaper article, but which if they were allowed to do they would consume more extensively, and the duty being collected upon the whole amount, would add to the revenue, while it lowered the cost to the consumer. Looking, then, at the right hon. Baronet's whole scheme then, he objected to the Income-tax, part of it as mischievous, uncalled for, and not imposed with the admission of or with the view to remove the real cause of the deficiency, and therefore likely to be continued beyond the time now intended. He did not, however, underrate the importance of those changes in our wretched commercial system which were proposed by the right hon. Baronet. He liked the disturbance of the system, and expected that it would lead to a far wider and more beneficial change than was yet proposed. He, for one, must say, he should like to see more changes made in the spirit in which the timber duties were altered; that was, he was satisfied, a very beneficial change, and one he thought, that was underrated at present in the country. He did not speak altogether in ignorance on the subject, for he had once called the attention of the House to this matter, and upon that occasion he had made a very full inquiry into the case, and he was really surprised to find the extent of the evil produced by the timber duties, and the vast importance to an old, cleared, densely-peopled manufacturing country like this, of a cheap and abundant supply of wood. Next to food, he really believed that there was not one thing that the circumstances of this country rendered us so necessarily dependent upon other countries for, and that it was such an object to have in abundance. He might be wrong, but he doubted if there would be so great a sacrifice of revenue as people imagined from the change, for the same quantity of timber which used to come from Canada, and which came (though bad) on account of the differential duty, will now come from the Baltic, and pay 25*s.* instead of 10*s.* There would be then an increase of duty of 150 per cent. upon that portion of the timber; and he might mention another circumstance that he thought would secure to the consumer the full advantage of the remission of the duty, which some said they would not have, in consequence of the price rising in the Baltic countries. He thought this rise would not occur if those countries had again to apprehend the competition with Canada, which, with the duty entirely reremitted there would be, andhe thought, therefore, that would be an increased supply from the Baltic without addition to the price. In saying this, however, with regard to the advantage of the remission of the duties on timber, he said nothing in favour of an Income-tax proposed under the present circumstances. He was speaking of the change in a commercial point of view, and he should say generally, that if a temporary deficiency of revenue is occasioned by making some beneficial change in our commercial dealings with other countries, with the prospect of recovering the loss both by improved commerce and in revenue, he said that was a case in which a loan by issue of Exchequer-bills or otherwise, to meet that deficiency would be justifiable, provision being made upon the success of the experiment for the repayment of such loan. He did not think loans justifiable in time of war, where the money was certain to be never recovered, and the debt was rendered permanent. But when changes were made in this spirit, and with the purpose of the reduction now proposed in the timber duties, the country would justify and approve a loan. This, however, was really the only case that he knew of where any great sacrifice of revenue was expected in this tariff for a commercial purpose or with the view to benefit the consumer; the tariff is said to be the boon in return for the tax, yet most of the alterations in the tariff were, as the right hon. Baronet had told the House to-night, changes from prohibition duties to those that could be collected; and, in fact, the tariff, so far from making a sacrifice, was really an application of that principle which recognises the revenue to be dependent on the easy access of the consumer to the articles that are taxed, and which is the only sound principle to apply as long as we continue the present system of indirect taxation, and while taxes fall on the articles that the general consumer demands, and this was the fault that he had to find with the scheme of the right hon. Baronet, that he did not carry this principle out, and that by this tax he would even diminish the ability of the people to consume those articles on which the revenue depended. If the revenue sinks because the people are poor, the object should have been to have increased their means, not to have added to their burdens. They would now no longer deny the connection between the cost of living and the ability to consume; it had not been recognised certainly in the Corn-bill, but it was their argument in support of the tariff, which made, however, the anomaly more striking of a scheme which purports to relieve the consumer, and add to the revenue, and yet does nothing to reduce the price of that which he must first pay for and consume, before he can touch any other article, and where the connection between the price of corn and the amount of revenue was established beyond a doubt, and while they were seeking to supply a deficiency, to do nothing to cheapen that article, the cheapness of which seems to determine the state of the revenue! He believed that he could demonstrate that by an extract from official returns. The hon. Member then read the following document:—

A Comparison between Price of Wheat and Produce of Revenue, in 1835, 1836, *and* 1837; *contrasted with* 1838, 1839, *and* 1840:—

I. WHEAT AVERAGE.

In 1835-7 the average of the three years was . .	47*s.*	10*d.*
1838-40 „ „	67	2

The price of wheat, therefore, rose 40 per cent. during the last three years.

II. TOTAL REVENUE.

The gross revenue of the United Kingdom amounted, in the aggregate,—

In 1835-7 to . . .	£159,851,000
1838-40 to . . .	159,240,000
Decrease . .	£611,000

The population increased at least 4 per cent. between these three-year periods. Had the revenue increased in like ratio, it would have been, in the last three years, 166,205,000*l.*, or 6,965,000*l.* more than it was, being at the rate of 2,321,000*l.* per annum virtually lower than in the former period.

III. CUSTOMS AND EXCISE.

The gross revenue for Customs and Excise in the United Kingdom was,—

In 1835-7 . . .	£117,333,000
1838-40 . . .	116,996,000
Decrease . .	£337,000

The total Excise duties decreased, in the same period, from 47,117,000*l.* to 46,610,000*l.* Had the Excise and Customs revenue increased with the population, it would have produced 122,025,000*l.*, or 4,692,000*l.* more, by which amount it virtually fell in the latter period.

IV. MALT, BRITISH SPIRIT, TEA AND SUGAR DUTIES.

These are the four articles which produce the largest revenue. They produced,—

In 1835-7	£51,830,000
1838-40 . . .	49,289,000
Decrease . .	£2,541,000

That showed a decrease of nearly 5 per cent.! Had these duties increased with the population, they would have produced 53,903,000*l.*, or 4,614,000*l.* more than they did, being a virtual falling-off of 1,538,000*l.* per annum. From this, then, he deduced the fact that concurrently with the rise in the price of wheat, there had been a virtual falling-off in the revenue to the amount of 2,321,000*l.*, nearly the same amount as that of the actual deficiency which had occasioned the Income-tax. This falling-off of revenue had taken place, notwithstanding an increase of duty paid on the importation of foreign corn to the amount of 1,477,000*l.* during the last three over the former three years; and above one-half the falling-off had taken place on articles most used by the industrious classes. He would show this by another paper. The hon. Member read the following Tables of the Separate Items quoted above in Gross:—

I. GROSS REVENUE OF UNITED KINGDOM (ORDINARY).

1835	£52,589,000	1838	£52,979,000
1836	54,973,000	1839	53,345,000
1837	52,287,000	1840	52,916,000

II. GROSS EXCISE AND CUSTOMS REVENUE.

	Excise.	Customs and Excise.
1835 . .	£15,229,351	£38,378,000
1836 . .	16,587,992	40,747,000
1837 . .	15,300,406	38,208,000
1838 . .	15,493,310	38,714,000
1839 . .	15,488,248	38,996,000
1840 . .	15,628,818	39,286,000

III. MALT, BRITISH SPIRITS, TEA AND SUGAR.

1835	£16,844,000	1838	£16,658,000
1836	18,366,000	1839	17,341,000
1837	16,620,000	1840	16,290,000

Here, then, it was established that the revenue of this country was necessarily connected with the cheapness and abundance of corn—and what was the remedy?—to secure a constant, regular, abundant supply, with the view to plenty and cheapness—thus to improve the ability of the consumer, to consume the articles on which you expect your tax? Do the Ministers come forward with a full and ample admission that the law which has made food dear and scarce, and has given monopoly in other articles of general use, was at the bottom of our commercial embarrassment and financial difficulties, and that preparation must be made for a total change of a system so fraught with evil, and though some inconvenience might be expected at first, yet that a permanent advantage being in view, reason and good sense called for the endurance of the evil for a while? No such thing. They brought forward a Corn-bill, not professing to relieve distress, not admitting the evil it had produced, asserting the advantage of such a law, and denying the injustice of our present system of indirect taxation, pledging themselves to its continuance, and proposing to diminish every man's means of expenditure by a certain proportion that taken from his income, with the view, as they say, of maintaining public credit, call upon people to support it, because it is a tax upon property, which is a just tax. Why this does not raise any question of a property-tax, such as many men would wish to see, and that many here would support to-night—a property-tax, in lieu of taxes pressing upon industry, upon the poor and on the productive capital of the country, and that fairly placed the burdens of the State on those best able to bear them. The present was a plan for providing for one of the consequences of a constant cause of evil, thereby endeavouring to relieve those who profited by the system of their only difficulty in its continuance, and which, while it continued, made the necessity as constant for the continuance, if not augmentation of this tax now imposed, in addition to every other. The people of this country are now increasing; no provision is made for the increase of the food which they must consume; each year their difficulty to consume other articles will increase, and by the imposition of this tax, the other taxes will become less productive. The people wanted more food, more trade, and fewer taxes, and what has been done for them? You have preserved a Corn-bill, which will make food scarce; you have done nothing to extend trade with the two best customers which England now possesses, namely, the United States, and Brazil. You refuse to take the slave produce of one, and you will only take the slave produce of the other, and thus you leave this country seeking fresh markets for her industry, her people unemployed, without any improvement of her foreign trade; and you impose a tax on income, which must embarrass the trade at home. He said this to show that there was no reason for any man to expect any immediate advantage from this change, which, at present, he could look at as little more than a fanciful disturbance of an old system, and a very capricious application of a better principle; if he did not despair of any advantage from the change, it chiefly arose from the hope that the right hon. Baronet would see the importance of going forward and making such further changes next year which he had repudiated this year, as he had recognised principles this year which he had hitherto resisted.

Mr. *Hardy* said, that he had hoped that the House would have come to an early decision upon the question then under consideration. The noble Lord had, however, thought it necessary to enter generally into the subject of the Income-tax, and all the points incidentally associated with it, and thus the measure had been obstructed in its progress. He would ask hon. Members who were now so loud in their opposition to this measure of the Government, why they did not oppose the resolutions when they were first propounded to the House by the right hon. Baronet? On the first night of the introduction of the measure nothing was advanced against it. If the Income-tax was so odious, unjust, and oppressive as was represented by hon. Members, surely the perspicacity of hon. Gentlemen ought to have enabled them to have perceived this immediately after the right hon. Baronet had developed his plan to the House. But it was not until after the Opposition saw that the country was disposed to adopt the measure of the Government—yes, it was not until they saw the country disposed to support the proposition of the right hon. Baronet, that a meeting was called at the Reform Club, with a view of organizing a factious opposition to the bill—it was not until then that hon. Members opposite rose, one after another, to stigmatize the proposal of an Income-tax as a most monstrous, odious, and unjust proposition. The principal object which hon. Members appeared anxious to demonstrate was, that the Income-tax would press heavily upon particular classes, upon those who came within schedule D. What tax, he would ask, was not unequal in its operation? It was not fair that this tax in particular should be selected and denounced on the ground of its probable inequality. All other taxes were open to the same objection. Look at the condition of the poor man with regard to the tax upon an article of almost general consumption, upon what might also be considered a necessary of life; he alluded to tea. If a poor man paid 4*s.* a pound for his tea, 2*s.* of that was duty. He therefore was taxed with respect to tea to the amount of 100 per cent. The rich man, who paid 8*s.* per pound for the same article, paid only 33 per cent. Here was a great inequality. What was true with respect to tea was equally so with regard to other articles of subsistence which he could mention. It did certainly appear strange that whilst the hon. Member opposite objected to the Income-tax, he at the same time urged upon the right hon. Baronet the necessity of a tax upon sugar, with the view of increasing the revenue. It had, again, been said that the Income-tax would be inquisitorial in its character. He thought that the right hon. Baronet had satisfactorily answered that objection. He did not think that the objection was well-founded. If a man made an honest return of his income, he would escape all the inconveniences of the inquisitorial nature of the tax. But the same objection might be urged against all other taxes. Any person by paying a shilling could go to Doctor's-commons, and thus acquaint himself with the private affairs of his neighbour. Again, by paying the same sum any one might go to the register-office, and inform himself of the mode in which estates had been conveyed. Yet to this no objection had been urged. Hon. Members, and particularly the hon. Member for Dungarvon, had objected to the Income-tax on the ground of the immorality which it was asserted it would give rise to. The same objection was applicable to all proceedings in law, not only in this House, but in courts of justice, and in cases of adjudication between one party and another. Frauds and perjury will be committed under circumstances the least favourable for the perpetration of such moral offences. Men, to maintain their own interest, will misrepresent the facts of the case. Such proceedings are of frequent occurrence in courts of law, where the evidence of the parties themselves is admitted as is provided in all the acts establishing Courts, in the nature of Courts of Request. They could not altogether guard against the commission of immorality; but he did not think that the Income-tax would be productive of more immorality with reference to fraud and perjury than other proceedings of a public nature were liable to. With reference to the alleged injustice of the tax with regard to particular individuals and particular interests, he would ask, did not the House pass private acts of Parliament which gave rise to complaints of injustice, and yet law after law of the same character was constantly enacted? He did not think that the House ought to consider the measure on such grounds. It should be recollected that a financial necessity had arisen, which rendered the adoption of an Income-tax indispensable. It had been maintained that the tax was a war tax, and ought only to be had recourse to under such circumstances. If an Income-tax were as cruel, oppressive, and unjust as it was represented to be, then, indeed, it would be oppressive and cruel to add such a tax to the calamities of war. He would rather see such a tax adopted in a time of peace. It would then be in their power to see how the tax would operate with respect to individuals, and its inequalities, if there were any, could be easily obviated. It was not just to designate it a war tax. It had been urged that the right hon. Baronet had brought forward his measure with the view of benefitting the landed interest. He thought that the right hon. Baronet had adopted a strange mode of pleasing the landed interest, by proposing a tax which they could not by any possibility avoid. Hon. Gentlemen opposite also affirmed that the measure of the Government would eventually bring disgrace and discredit upon the right hon. Baronet at its head. He should have thought that such a consummation was the very thing desired by hon. Members opposite. He thought that the country was in favour of the measure of the Government. He had presented to the right hon. Baronet a memorial, signed by all the respectable inhabitants of Rochdale and its neighbourhood, in support of the plan of the Government; and in that petition the right hon. Baronet was urged to go on with the measure, as the memorialists thought that it would not only conduce to increase the revenue, but to permanently benefit all the interests of the country. As he thought that such would be the effect of the measure, it was his intention to give it his unqualified support.

Mr. *E. R. Rice* felt it his duty to state why, after the vote that had been come to upon the resolutions previously proposed by the noble Lord, the Member for the city of London, he could not throw any obstruction in the way of the first reading of the bill. He did not hesitate to say that he should much prefer the then measures proposed by the late Government for the reduction of the duties upon corn, sugar, and timber, to the propositions of the right hon. Baronet. But these measures had been rejected, and the alternative was now, whether they should have recourse to direct taxation, or to other taxes that would press more heavily upon the industry of the country. He objected to that part of the plan which placed the same amount of tax upon incomes derived from trade and professions, and incomes derived from real estates; and if the right hon. Baronet did not amend this part of his proposal, he should, at a proper time, namely—on the third reading—express his opinions upon the subject. Another of his reasons for not offering any opposition to the first reading was, that there would be no more likely means to maintain peace than by showing that the resources of the country were amply sufficient to meet any struggle, whether warlike or otherwise, which, under certain circumstances, might become necessary to the assertion of our power and dignity, and by showing, further, that the more opulent classes were willing to refrain from throwing burdens upon the poorer and industrious classes. Upon these grounds he should not by his vote offer any opposition to the first reading of the bill. If the measure was amended in the manner he had suggested, he should then support it; otherwise he would oppose it upon the third reading.

Mr. *Fox Maule*, after having heard the speech of his hon. Friend (Mr. Rice), must say, that there appeared to him to be no necessity for his hon. Friend to reserve his vote to the third reading of the bill, because the right hon. Baronet (Sir Robert Peel) had already distinctly declared, that he would not make those modifications which his hon. Friend required. His hon. Friend might as well, therefore, vote against the bill now as on the third reading. He was anxious to say a few words before the question should be put, because his course respecting this tax had been much misrepresented. It had been stated in that House, but he could not find upon what authority, that in having voted in the minority for postponing the decision upon the resolutions of the right hon. Baronet till after Easter, he had followed a course founded solely upon a factious opposition to her Majesty's Government. Now, he would appeal to the recollection of the right hon. Gentlemen opposite, and to the House, as to the course which he took upon those resolutions. He stated distinctly, when they were first brought forward, that he considered sufficient time had not been given to the people of Scotland to consider their nature and bearing; and that, in voting in the minority, it was his distinct object to gain further time to enable them to do so. And when he was taxed by the hon. Member for Lincoln with voting for delay, his answer was, that he believed that that vote had been given agreeably to the opinions and wishes of his constituents; that he should soon meet those constituents, and hear from them whether they objected to his vote or not. Now, how did the right hon. Baronet (Sir J. Graham) deal with and turn about those simple facts? The right hon. Baronet stated that he had appeared among his constituents, and had sounded them upon the propriety of holding a public meeting, in order to discuss the resolutions of the Government; but that he had been induced not to call a public meeting, because he knew that if he had done so, those resolutions would have been approved of; and therefore he left the town and those whom he represented in Parliament without having the courage to call a public meeting on the subject. [Sir *J. Graham:* I did not say anything about it.] He understood the right hon. Baronet's words to convey exactly that meaning to the House, and he stated at the time that the right hon. Baronet entirely misrepresented him. Now he had since found that the only source whence the right hon. Baronet derived his information was an anonymous letter in a newspaper. On comparing that letter with the speech of the right hon. Baronet, no one could be at a loss to see that the right hon. Baronet had trusted entirely to the information there given. He wished to state to the House that he never went among his constituents with the slightest intention to call a public meeting; he never meant to convene a meeting on the subject. But he learned sufficient while among his constituents to know that those shopkeepers and merchants who would be affected by the bill of the right hon. Baronet (Sir Robert Peel) most entirely disapproved of it. They complained of its inquisitorial character, and he should have to say a few words upon that point presently. They complained of its injustice and inequality; and not one of those with whom he conversed had a word to say in favour of an Income-tax. He was quite ready to admit, that in the town of Perth, and in all other towns, there was a class of persons whom the right hon. Baronet had captivated by his measures; and no doubt the right hon. Baronet had obtained their approbation to a very considerable extent. But, let me tell him (continued the right hon. Gentleman) that the day may come when he may find that those classes on whom he now trusts for the support of this measure, will have their eyes opened, and the veil that at present obscures their vision removed. Let me remind him that not many weeks since the agricultural interest thought they could confide in him for the protection of their interests; but are those who belong to the agricultural interest now confiding for protection in the right hon. Baronet? I will not use a hard word which has been objected to in another place, but I will say, that the right hon. Baronet has disappointed the expectations of the agricultural interest, that the country has, from one end of it to the other, expressed that disappointment at the manner in which he has treated them by the measures he has brought forward. Let me warn the right hon. Baronet, that although he may experience much inconvenience from this discovery on the part of the agricultural interest, yet it is nothing to that which he and the country will experience when it shall be the case, as I think it will be soon, that the masses shall discover that this imposition of an Income-tax, coupled with the assertion that they were not to be affected by it, was a deception. The re-action which will follow from that discovery will be dangerous, not simply to the Government, for that would not concern me so much, but dangerous to the stability and peace of this country. My opinion is, that it is utterly impossible to inflict a tax of the nature of this tax without, in a very great degree, affecting the working classes. You affect all who have an income down to 150*l.* a year; and in doing so, you affect those upon whom the working classes depend for employment. The hon. Member for Knaresborough has stated that already, in anticipation of the effect which this tax would have upon commercial transactions, many of the manufacturers in the north of England have declared, that they shall be compelled to turn away a great number of their workmen. I have no doubt, that this will be the case, however much you may deceive the working classes at this moment by persuading them now to come to your aid for the purpose of upholding this tax. You may rely upon it, that when they shall discover that they have been cheated into giving you their support, the reaction will be dangerous to the peace of this country. But why do they come to your aid? why do these working classes whom you invite to attend public meetings to consider the Income-tax, give you their assistance; and why does that great body appear at and disturb the proceedings of other public meetings called to consider other questions — the Corn-laws, and the various other monopolies in this country? Why do the classes I have named do this? It is that they may get the blow struck at the middle classes who, they imagine, stand between you and them as a hindrance to their gaining the great object they have long been aiming at—Universal Suffrage.

The lower classes may for a time appear satisfied with the scheme of the right hon. Baronet, because the effect of it will be to bring down the middle classes to their own level; but the result will be the injury and depression of both, and in time the combination of both will be irresistible. He thanked his noble Friend for giving him this opportunity of recording his opinion; the hon. Member further said, that opportunity had not, in fact, until now been afforded, and although it had been said, that the course was unusual, it was to be recollected, that the occasion was, at least, as unusual as the course. He should give his vote against the Income-tax upon the very grounds stated by the right hon. Baronet in 1833, for he could not concur in the explanation attempted by the right hon. Baronet this night, that his words were to be construed with reference to a conditional Income-tax in times not at all like the present. The right hon. Baronet had asserted, that

> "The effect of an Income-tax must be, if it were properly collected, to expose men's businesses to a rigorous inquisition. It was a tax which would encourage immorality, fraud, and perjury, and it would discourage industry, which, in a country like this, was highly inexpedient."

Such had been the opinion of the right hon. Baronet some years ago, and such was his opinion at the present moment. Upon that plain and simple ground, he should rest and record his vote, and it was a ground which the country would understand more clearly from the distinct terms of the right hon. Baronet, than if he were to talk for months. The right hon. Baronet had alleged, that he was supported by a great many commercial bodies in the three kingdoms. He knew only of one commercial body which had supported the right hon. Baronet—the Chamber of Commerce of Glasgow. He had heard this fact with some surprise, because not more than twelve months ago, the same Chamber of Commerce of Glasgow had passed a resolution approving of the resolution of his noble Friend (Lord John Russell) for a fixed duty on corn. Of whom, then, did the Chamber of Commerce at Glasgow consist? Of about 400 individuals, represented by thirty-six directors, of whom six retired annually. These directors, on their own responsibility, without concert or consultation, passed a resolution supporting the financial measures of the present Government. Of whom did these directors consist? The great majority were men deeply involved in East and West Indian monopolies—men whose interest it was to maintain the duty on sugar. Therefore he must take leave to doubt the impartiality of the decision of the Chamber of Commerce of Glasgow. He did not find that the Chamber of Commerce of Edinburgh had come to any such resolution, and some other bodies of the same kind had recorded their disapprobation of the scheme. He should most cheerfully record his vote against the first reading of the bill, because he was satisfied that this was not a season for imposing a tax upon the country, which ought to be reserved for a greater emergency, and because he was convinced also, that the lower orders would find ere long, that the pretence that it did not touch them and affect their interests was a mere delusion.

Mr. *M. Milnes* apprehended that the right hon. Member who had just sat down was the only man in the House, and would be the only man in the country, who was not convinced by the explanation of the right hon. Baronet with respect to the passage from a former speech which had been read by the noble Lord opposite (Lord John Russell.) The right hon. Member had omitted the important point of the altered circumstances of the times out of which the present measure in fact grew. As Cicero had remarked of a law in his time, "*est invidiosa lex, veruntamen habet excusationem, non enim videtur hominis lex esse sed temporis.*" This Income-tax was not the law of the right hon. Baronet, but of the times upon which he was thrown. He objected to the practice of raking supposed jewels out of the rubbish of by-gone debates: mere recrimation could never convince, and he should rejoice to see this practice disused on either side of the House. He denied that the right hon. Baronet had uttered one word of despair or even of despondency when he introduced his plan; he had taken a just view of the state of the country, and had wisely adapted his measures to the emergency, but he had never uttered a syllable to unnerve the hand or dispirit the heart of a single Englishman. Allusion had been made on a former night to the testamentary disposition of the late Government, and it reminded him of the will of a celebrated literary man, who, having three sons, left to one of them his faith, to another his patience, and to the third his courage, but not a single shilling in money to any of them. So the late Government at its decease left behind them many virtues, many good intentions, but not a single shilling in money. As to the late disaster in India, he hoped that nothing would be said or done at present to expose the circumstances which led to it; for if they were injudiciously disclosed, the effect might be to derange, confuse, and complicate our diplomatic relations with some of the great powers of Europe; yet, he must own, that to him the troops on the west of the Indus were as much objects of public interest as on the banks of the Douro or the Garonne, and the fleet in the Chinese seas as the fleet in the British Channel. In reference to the present posture of the country, it became the House to consider what was the condition of our connections with France and America. The full consequences of the unhappy treaty of the 15th of July, 1840, were only now beginning to make themselves apparent. The anti-English feeling in France was rather increasing than diminishing; France looked with suspicion at every act and intention of this country, and seemed almost to distrust her honour. Whatever we did we seemed to be inevitably misunderstood. Thus situated, it became the right hon. Baronet to take care that he had such a command of the purse of Great Britain as would enable him, should the occasion arise, at a moment's warning, to rouse the energies and apply the resources of the empire. He doubted whether he should have risen to-night, if he had not wished to express his unwilling dissent from one portion of the measure before the House. The right hon. Baronet had given such a large exemption to the labouring classes, that it required more than all the ingenuity of his opponents to pervert and misrepresent his intentions; but what he wished was, that the right hon. Baronet should afford an exemption to the labours of the head as well as to the labours of the hand. Trades and professions ought not to be taxed in the same proportion as funded and landed property, and he thought that some modification might yet be introduced into the bill which would make a distinction of 1 or 1½ per cent. in favour of skill, learning, and intellect. He pleaded for some distinction between labour and ease, between the fruits of toil and the enjoyment of superfluities. But whether this concession were made or not, he was well persuaded that if this bill were passed, the right hon. Baronet would, ere long, be able to come down to the House and declare, that the difficulties with which he had contended had been overcome, and that the country was in the enviable condition of being able to enjoy peace, if Providence so granted, or to undertake war, if forced upon her, and to accomplish all the great objects which lay within the reach of this great country, directed by a strong, and honest, and enlightened administration.

Mr. *Raikes Currie:* I ask for a few moments of that indulgence, which I believe the House never refuses to one who addresses it with reluctance and with sincerity. I may be supposed to address it with reluctance, because having had the honour of a seat here for five years, I have scarcely troubled it with as many sentences; with sincerity, because I fear that my sentiments will find little acceptation in this focus of party spirit. I feel it my duty, after the best consideration I can give the subject, to support the propositions of the right hon. Baronet. I am by no means insensible to the serious objections to an Income-tax;—I am by no means blind to the defects and short comings of the tariff; but, taking the Government propositions as a whole (and as a whole I think we are called on to consider them), they appear to me bold, honest, comprehensive; required by the circumstances which they are brought forward to meet; and, at all events, not more objectionable than any substitute equally effective which could be carried in the existing constitution of Parliament. I think this measure a bold measure, because, in the tariff some powerful and protected interests are boldly dealt with, because in the discharge of public duty the right hon. Baronet braves the odium of imposing a tax which, whatever it may seem to be at present, will become doubtless peculiarly unpopular with that middle class who form the bulk of your constituencies; its inquisitorial attributes will secure for it their extreme aversion. I think it an honest measure, because, while we impose no direct burden on the working classes, on the great body of the people, we severely tax ourselves. No other impost would hit so hard, the class to which I belong. You take 3 per cent from funded capital, and 3 per cent from profits—no small inroad, let me tell you, on a large commercial and banking business, I think this is a comprehensive measure, because, while you take money from the public, you do something at least, something in the right direction, to unfetter commerce, and to invigorate and expand trade, the source of all revenue. I believe, that those who most strenuously oppose the measure, acknowledge that it will be effective for the purpose it professes. But then it is not required by the exigencies of the public service. This, indeed, is a most weighty argument; for, if this be true, your tax is downright spoliation and injustice. I cannot come to this conclusion. When I see our expenditure annually exceeding our income, till a deficit of ten millions stares us in the face—when I see the miserable expedients to which we have resorted—when I remember the paramount duty, I will not say of upholding public credit, for that no one will deny, but of placing all your financial provisions above the shadow of suspicion, I cannot think that you have made too great an effort. When I look across the Atlantic, and see the shameless course which men who spring from our race, speak our language, and suppose that they have improved on our institutions, have pursued. I feel more than ever that this country is called on to exercise her high vocation as a teacher of all nations, and that the best teacher is example. Then I turn from financial to political considerations, and I confess I do not think that you have overstated the emergency. Your Indian wars would not alarm me if we had a righteous cause; but based, as they seem to me to be, on the most horrible injustice, I tremble at the wonderful arrangement of retributive justice which all history shows us does overtake the proudest and the mightiest, who become unprincipled oppressors. But there is enough in Europe to call on us to set our house in order. War appears to most of us such folly and such monstrous wickedness, that we can hardly conceive that a civilized nation would wantonly engage in it; but those who are acquainted with the irritation which exists in France, who know what a fearful part the effects of wounded vanity have played in the drama of the world, may well wish this country to be prepared for all contingencies. Thus, Sir, for the maintenance of credit, for the maintenance of European peace, for the vigorous termination of those struggles in which you are unfortunately engaged, I believe that an increase of revenue is necessary—and granting this, I own I have listened with respect and attention to the substitutes rather hinted at than propounded by the noble Lord, without any conviction of their adequacy. But, say some of my hon. Friends to me, will you vote for an Income-tax in order to maintain abuses? Will you lay fresh burdens on the people, when you see that by freeing trade and maintaining duties, not for purposes of protection, but for purposes of revenue only, you might replenish the Exchequer and absolutely relieve the people? I reply to them, God forbid, if this were the real alternative before us; but while I cordially acknowledge that all this is theoretically possible, that it is undoubtedly the course of abstract justice, is it possible at the present moment, with the present distribution of political leaders, that it can be accomplished by any man with the instrumentalities with which he has to work? There seems to me a strange *hiatus* in all Whig argumentation on this subject — you conveniently forget that the instrument of legislation is a monopolist Parliament, the legitimate product of that distribution of political power on which you have stamped your approbation. The hon. Member continued to say, that he had looked forward to protecting and enlarging the suffrage as the means of righteous legislation when he first came into Parliament in 1837. How had his hopes been met? By a manly and candid declaration from the noble Member for London, that the Reform Act, advisedly and with premeditation, gave the preponderance of power to the landowners of the kingdom, and that if any changes were to be made in it, he could be no party to them, as he considered the measure a final settlement of the question. But then all history shows that no dominant class ever voluntarily surrendered that which they deemed profitable to their own class-interests. Thus the friends of liberal principles and of free-trade were placed in a complete dilemma. After four years, not very well spent, the noble Lord came forward with his attack upon monopoly in a parliament of monopolists, and however chivalrous his self-devotion, the crusade was hopeless. He repudiated the only agencies which could win the victory, and then rushed into the battle. The noble Lord, in his lighter moments, was wont to smile at the impracticabilities of speculative radicals and abstract politicians; men who would be great statesmen if the world were a chess-board and human beings pawns, and all this might be very just, but did they ever undertake anything more visionary, more chimerical? One of his political friends had said of the noble Lord, that he was a man ready, at five minutes' notice, to take the command of the Channel fleet, or to build St. Peter's. The noble Lord undertook—a far more arduous task—to build the temple of free trade out of the hewn stones of monopoly; and the result was that the building tumbled down, and the noble Lord and his friends remained struggling and mutilated under the scaffolding and fragments. Here we are a helpless, hopeless opposition; not so for want of leaders, for the noble Lord has the character and ability to lead any party and to conduct any Government,—but because we present the miserable spectacle of a *soi-disant* popular party, without a solitary puff of popular sympathy to fill our sails. What, then, remains for me, who most sincerely think that free-trade, the gradual abandonment, not of prohibition only, but protection, is absolutely essential to the welfare of your population, and, therefore, to the security of property, and to the safety of the state? What ought to be the course of the opposition? I will tell you what it ought *not* to be. It ought not to give a factious resistance to measures which they had advocated when sitting on the Ministerial side of the House. How could Liberal Members advance their views? By Whig instrumentality? He thought not. Were they to organise an agitation for Universal Suffrage? He was not prepared to do so. How then was the chasm to be bridged which the noble Lord had created, when he slammed the door of the constitution in the face of the unrepresented? What should they do? They ought to make the best use of any measures which showed that the right hon. Gentleman opposite desired to do justice to the people. And upon all these measures he would take the liberty of judging for himself. He had not been an inattentive obobserver of what had taken place during the last five years. He had seen the right hon. Baronet conduct an opposition with great ability, and he believed, on the whole, with fairness. He found him now charged by hon. Gentlemen on that (the Opposition) side of the House with errors the most opposite, and labouring under accusations the most contradictory. At one time it was said that he had betrayed the aristocracy; and, at another, that he had pleged himself to uphold all monopolies; and we looked at the right hon. Gentleman on this side of the House, through the smoked glass of faction, and so fancy him as black as we wish. But the right hon. Gentleman two years ago, had made a pregnant declaration. "I consider the manufacturing interests of the country of more importance to you the agricultural interest, than any protecting law." The right hon. Baronet had said also, "I will never be a Minister to carry out other men's opinions." Coupling, therefore, these two opinions together, he (Mr. Currie) was sanguine enough to see in them the germs of a better system. He was sanguine enough to believe, that through his instrumentality, if, instead of hounding him on to take up with those who were ultra-protectionists, they (the Opposition) pursued an impartial course, viewing, if they pleased, his proceedings with suspicion, but still doing him justice, they would gain some good. He knew of no other agency by which they could do justice to the people. He told the right hon. Baronet, that he must do this justice, and that he must unfetter trade — that the days of legislation for class interests were numbered. It remained for the right hon. Gentleman to choose whether justice and mercy should issue forth in peace from the portals of our ancient monarchy, or whether they should be enthroned hereafter, at some doubtful, distant period, upon the wreck of all our institutions—under those institutions, he confessed, that he would wish to live and die. He would say to the right hon. Baronet in the words which he himself used the other night.—"Elevate your vision"—look beyond the sordid and party interests by which you are surrounded—look forth on the suffering, starving, but patient millions. In an old and densely-peopled country, where your chiefest care should be to make food cheap and plentiful, your party desire to maintain arrangements to render it scarce and dear. You cannot be the dupe of the shallow sophistry to which you sometimes condescend; follow your own free will. You know—you must know—that expanding trade offers the only hope for the existence of your increasing population, and for the safety of the state. You cannot be frightened by the childish bugbear of national dependence. You know that this country never can be wholly independent. You know, that while casual and occasional dependence is a perilous thing, full of danger to our monetary system, constant dependence is the handmaid of commerce, and the only sure cement of peace. If you say that protection is a political and social question, you cannot forget that the despair of starving millions may merge all politics and all society in one overwhelming ruin. You have the power to do justice to all classes. What a fearful responsibility that fact announces! Will you not, by timely concessions to the claims of justice and humanity, avert that fearful union of the starving workmen and their ruined masters, when they shall merge their mutual animosities in one fell cry for vengeance, and bury you and your monopolies under the ruins of the constitution? He would say to the right hon. Gentleman—and he spoke with all sincerity and respect—he would say to him once more, in his own emphatic language—"Elevate your vision"—look forth beyond a few feverish evanescent years, beyond the tiny segment of time with which we are personally conversant—when all the familiar faces which haunt these precincts have departed—when every pulse which beats within these walls shall have ceased for ever—when my name and the names of nine-tenths of those who hear me shall be utterly forgotten, or remembered only as household words, cherished by children and descendants—you will then be spoken of—for you there is no oblivion—you belong to history. You will be spoken of as an astute and able Minister—as a statesman fertile in expedients—as a debater perhaps unrivalled—as one who achieved pre-eminence in a field of the intensest competition. All this your enemies and detractors must admit. Will you not claim a higher and more enduring eulogy? Will you not enter among a far scantier and more glorious band, among those master spirits who have achieved supreme power, and used it like gods, to do justice to mankind—who have stamped their impress on the age in which they lived, and given an impulse, large, continuous, and abiding, to human happiness and human virtue? You stand on the loftiest summit of ambition; as you look forth from that dizzy height upon the millions of this mighty empire on that multitude, of all people, nations, and languages will not your heart be stirred within you—will you not acknowledge a constraining and diviner influence, enlightening and controlling you, like the Chaldean seer, to bless and not to curse them.

Mr. *T. Duncombe* said, that if half the compliments which had been just paid to the right hon. Baronet and the Gentlemen opposite were true, every one in that House who had heard them, and every one out of it who read them, must be satisfied that the nation at the present moment was the most favoured nation on the face of the earth—that we had arrived at that point at which our political millennium was certain, and that we ought to bless the hour, and praise the day, when we saw the finances of the country regulated by the right hon. Baronet the Member for Tamworth—when we saw the forces paid by the right hon. Gentleman the Member for Kent—and when we saw the magistrates appointed by the right hon. Baronet the Secretary of State for the Home Department (Sir James Graham), the Member for the great, and independent, and numerous constituency of Dorchester. These were, indeed, days in which we ought to fall down upon our knees and worship these gods upon earth. The hon. Gentleman had talked about living and dying under the institutions of the country; he would be the last individual who would wish to prevent his hon. Friend's living and dying under any institutions he might think proper. He hoped that he would long live, that the day of his death would be long deferred, and that, at any rate, it would not take place during the existence of the Income-tax, or of the Government that now oppressed the country. He differed, however, from the hon. Gentleman in the opinion he entertained of this measure. The hon. Gentleman said it was a comprehensive, a bold, and an honest measure. He admitted, indeed, that it was a comprehensive measure, for he believed it was a measure that would entail universal distress and every sort of hardship upon the country. But he denied that it was a bold measure or an honest measure. The hon. Member for Pontefract (Mr. Monckton Milnes) had said that nothing but a strong Government could have proposed such a measure. He agreed with him that nothing but a strong Government could have ventured upon a measure so obnoxious, so disgusting, and so repugnant to the feelings of the country. They were a strong Government; but in what consisted their strength? They were strong in numbers here, but were they strong in the public confidence? He knew that the right hon. Baronet was supported by a majority, who avowed that no amount of political inconsistency should prevent their adhesion, who declared that there was no profundity of political dirt they would not submit to be dragged through to support the right hon. Baronet; and then they told him that this was a strong Government. The hon. Member for Pontefract said, that he would like to see a dissolution at that moment; so should he. He should like to see the right hon. Baronet taking the sense of the country upon this question by a dissolution of Parliament. The right hon. Baronet, however, was too good a judge to appeal to the people. Restricted as the franchise was, he dare not appeal to the people. With regard to the question itself, the chief point in the speech of the noble Lord near him (Lord John Russell) had not been answered. The whole measure had been declared to be a juggle, and the noble Lord asked, what had been often asked before in debates of that House, "whom the measure was to benefit?" For they had heard much of the benefit it would afford to the working classes. Directly any hon. Member on that (the Opposition) side of the House complained that the Government were picking their pockets by an Income-tax, hon. Gentlemen opposite got up and said, that with the other hand at all events, the right hon. Baronet presented the people with a great quantity of beef, mutton, and other articles, so that the cost of living will be so cheap, that what was taken out of the pocket would not be felt. These allusions, however, created great uneasiness on the other side of the House, and up would get some greasy grazier, and assure his agricultural friends that there would not be the slightest danger—that there would be no cattle and no sheep imported, and not a foreign beast would appear to alarm the English agriculturist. The same arguments were repeated by the hon. Member for Durham (Mr. Liddell), who said that a large supply of horned cattle was perfectly visionary; that he agreed with the right hon. Baronet in opinion that the alarm was wholly unfounded, that the demand from France was far beyond the supply. And the hon. Member agreed also with the right hon. Baronet in thinking that there would be no beef and no mutton; and that if the cornucopia, of which hon. Members were afraid, existed, he could not find it. Then came the noble Lord the Secretary for Ireland, and he repeated nearly the same words. Now, what did all this mean? Who was right and who was wrong? He said it was a juggle between them, and the longer the debate continued the more perfectly would the film be removed from the eyes of the people. To the House of Commons the Government said, that they would obtain the tariff only at the price of the Income-tax, and to the working classes they said, that they were free from the Income-tax, but they must pay for their freedom by the distress they would experience from the tariff. They would not, however, be able long to hold out this delusion to the working classes of the country, who were beginning to see that the Income-tax would be the cause of that distress which would send thousands upon thousands to the workhouse. Let them look at the trades which would be flung out of employment by the tariff. Let them take the leather trade as an example. There were in the metropolis 30,000 families dependent upon the boot and shoe making and the leather trade of this country; and the tariff reduced the duty to such an extent, that it would be impossible for the English workmen to compete with foreigners; and they said, and said rightly, "If you remove the protection from us, remove also the protection granted to the agriculturists, and relieve us from the bread-tax." And if the argument of the hon. Baronet were true as to the small effect of the tariff upon food, he said that the measure was not an honest measure with regard to them. Then, again, let them take the cork-cutters. The whole trade would be brought to certain ruin by the reduction of duty on manufactured corks, and he did not believe that there was any set of persons who were more deserving the protection of that House, or the respect of the public. In that trade it was the pride that no single individual received support in a workhouse; they supported and they buried their own poor. A few days since, in consequence of the failure of their last hope, the amended tariff of the right hon. Baronet, which, though it raised the duty, did not in fact offer them any better protection, they were in despair. Then there were the straw-plait manufacturers of this country. He believed that there were

150,000 females employed in the straw-plait manufactures; and he had received several communications, not only with reference to the straw-plait manufactures, and the boot and shoe manufactures, and the cork makers, but from other trades which would be injured materially by the tariff. He would give a sample of what was going on from a letter of one of the straw-plait manufacturers in Suffolk, whose petition he had lately presented to the House. He said—

> "I cannot consider the Government proposition otherwise than awfully cruel to our own poor, unless they would first give us free-trade in bread corn. So convinced are the manufacturers in this neighbourhood that the proposed tariff will destroy our home trade, that we are all discharging our hands as fast as we can, and the wailings of the poor women are already heart-rending."

How did the right hon. Baronet prove that this measure would benefit the working classes? Only satisfy him that it would benefit the working classes, and as far as his vote went he would give his support to the right hon. Baronet. It was never maintained in the old days of the Income-tax, or of the property-tax, that it could in any way benefit the working classes. The noble Lord (Lord John Russell) had already quoted part of the speech of the right hon. Baronet in 1833, but he had not read the concluding portion. It was well worthy of especial notice. The right hon. Baronet said:—

> "With respect to a tax upon income without property, I very much doubt whether it would promote the interests of the labouring classes, because it would diminish the funds at present appropriated to the encouragement of industry and the promotion of labour, and it would ultimately be found that the tax did not affect the person who paid it so much as the labourer by diminishing his means of employment."

Again, in 1835, on another discussion for referring the question of the general taxation of the country to a select committee, the present Chancellor of the Exchequer (Mr. Goulburn), in answer to the hon. Mover, Mr. Robinson, said, that although it had been agreed, that the property-tax had been opposed principally by the wealthy classes, this was all a mistake. He went on to say—

> "Hon. Members appear to me to have entirely forgotten the circumstances under which the former property-tax was imposed, and afterwards repealed. The hon. Member for Tynemouth has contended, that when the question of the repeal of that tax was under the consideration of Parliament, the repeal was carried solely by the influence of the wealthy portions of the community. Now, is it true, that the opposition to the tax at the time of its repeal proceeded from the aristocracy? Quite the contrary. I well remember, that the agitation of that question did not originate with those who are usually termed the aristocracy, but with an individual who avowed himself, and was generally acknowledged to be, the warm, perhaps, the extravagant, advocate of popular interests—I mean the late Lord Chancellor of England, Lord Brougham—who took up the question, and opposed the tax expressly on the ground of its tendency to fetter the industry of the country. The hon. Member (Mr. Robinson) was not then in Parliament, and of course did not hear as I did the speeches then made by the noble and learned Lord, against this tax, week after week, month after month, in which the consideration of the interest of the rich entered but little, if at all, into the arguments employed. What he insisted on was, the inquisitorial nature of the law—that it threw impediments in the way of trade and commerce, and interfered most injuriously with the industry of the labouring classes. The hon. Member, therefore, is wrong in supposing that the clamour for its removal at that time came from the rich, or that its abolition took place in deference to their wishes. Whether it be right to re-impose it, I do not now say; but I fully concur in what has been observed upon the present occasion, that if imposed again it must apply alike to all parts of the empire—to Ireland as well as to England."

What right had the right hon. Gentleman, the Chancellor of the Exchequer, to say that he was now bringing in a measure to benefit the working classes, which in 1833, as well as in 1835, was stated to be a tax of such a nature, that it must fall more heavily on the working classes than on any other? He asked why they did not apply this measure to Ireland? Ireland benefitted as much as any other part of the empire by the measure which was the immediate cause of the present deficiency; of the penny post, had not Ireland as much as England the benefit? But what did they propose to do? They put on a small tax of 200,000*l.* on spirits, whilst they put an Income-tax of 4,000,000*l.* upon England. [An hon. *Member:* "The stamp duties also."] The right hon. Baronet, in truth, admitted a great part of their case. He admitted that it was an inquisitorial tax. Did the public know the consequence of this inquisition? He would just give a few of the questions that were asked by that inquisition, the last year before the property-tax was repealed. The hon. Gentleman who had just spoken said, that the tax was popular with the commercial interests. It certainly was not popular in the city of London in the year 1815. In the last year, there were 11,000 surcharges in the city of London alone. What had occurred upon those surcharges? Four thousand had appealed against the surcharges; three thousand of these appellants succeeded, and one thousand surcharges were confirmed. Seven thousand persons submitted to the surcharge without complaint. Well might it be argued from this, what was the state of things when seven thousand surcharges were submitted to. Either this large number of a great commercial community were prepared and did absolutely evade the assessment, or they shrunk from exposing their circumstances. It was then said what a pestilential effect such a tax must have upon the morals of the community: yet the right hon. Baronet told the country they must submit to this inquisition. What were the questions put to the professional men, the tradesmen, and the victuallers? They had been collected and laid before the House: and when it was proposed to keep them as records of the tax, Lord Brougham said that the only course to be taken with respect to these documents was to have them burnt at the hands of the common hangman, and burnt they were by persons appointed for that purpose in every part of the country. And well might they be burnt when such questions as these were asked of the professional men, the merchants, and the traders. Of the traders it was asked:—

> "What is the amount of goods sold or business done in the three years preceeding 1814? Upon what principle do you calculate your gross profits, either by percentage or any other mode, specifying the manner? Are you subject to any deduction for interest of money for capital or money borrowed, and if so state the amount? What is the amount of the salaries or wages of persons employed by you?"

Was such an inquisition to be treated as nothing? He would only next turn to the licensed victuallers, and of them it was asked,—

> "What is the amount of money taken in your house in the course of one week, month, or year? State the particulars of your trade, whether beer, wine, spirits, or eating? What is the quantity of beer drawn per month? Is there any interest paid by you to the brewer, or to any other person, for money for the purposes of business, if so, state the amount? Have you, besides your trade, any income from money in the funds or houses, or any other species of profit whatever?"

And not only were they obliged to make these answers, but they were obliged to swear to their truth. Hon. Gentleman talked of the support the measure obtained, but he confessed he could not find any individual out of the House who was in favour of the tax; and he believed that if the House could possibly be converted—he feared it was almost impracticable—into a Palace of Truth, the right hon. Gentleman would find that the hon. Gentleman sitting behind him, when the question was put, aye or no, would say "no" to this most obnoxious tax. He had, however, another objection to this tax. It was said that it favoured the landowner and oppressed the tradesman. Under the present Reform Act every borough elector was bound to pay, before the 20th of July in every year, all the Queen's taxes, and assessed taxes made previous to the 6th of April before he could be registered. The county electors were not forced to make any such payment. This, therefore, would give another great and important power, under which the myrmidons and spies of the Government were to be let loose on the country. He had already brought the rate-paying clauses before the House; they would be now giving a further power to the government to intimidate the voters by means of their agents, the tax-collectors, who would no doubt act in perfect harmony with the 364 magistrates for boroughs lately appointed by the right hon. Baronet. He knew that the rate-paying clauses were a convenience to the Chancellor of the Exchequer. They were the Chancellor of the Exchequer's clauses, and they reversed the true order of things, for they made taxation precede representation, instead of allowing representation to go before taxation. He had no doubt that this would be a most productive tax to the right hon. Baronet. No one disputed that; but he told the right hon. Baronet it was a tax which could only be collected amidst the heart-burnings and dissensions of the people. It was possible that the opponents of the measure might be defeated, but at any rate they had the satisfaction of knowing that when this nefarious machinery should be in full operation, they had warned the country of its danger, and although defeated they had done their best to prevent the plunder and persecution of the people.

Mr. *Roebuck* said, that it appeared, that any hon. Gentleman who chose to act for himself upon his own sense of what is right, and not to do that which might be pleasing to those shining lights who sat about him, was to be subjected to an ordeal by no means pleasant, nor much, he thought, for the honour of those who practised it. It seemed, that those who sat on the Opposition benches assumed to themselves the right of saying, that if any one among them did what they did not like, he was to be marked out as the enemy of the cause, and, it therefore, became the duty of those who did not share in such views to state fully and energetically what were their real sentiments, and what induced them to depart from the bright lights who sat around them, and follow the small candle of their own intelligence. He should endeavour to do this for himself. A few words which he had addressed to the House on a former occasion had given rise to much observation; but he was glad to have had a defender in one (Mr. R. Currie), who had made a much more eloquent defence than he could have made for himself. That hon. Member also had spoken of the boldness, the honesty, and the straightforwardness of the right hon. Baronet's measure; so that he was not quite alone in his opinion of the bill, and he had the eloquent defence of the hon. Gentleman to fall back upon. In addressing himself to the question he would take all the elements involved in it, and having combined them into one whole, he would compare the two systems—namely, that proposed by the right hon. Baronet, and that proposed by the noble Lord the Member for London. In justice to himself and to the right hon. Baronet, he was bound to take this course—to consider the whole of his proposition together, not to take any part as a unit, but combining the tax and the tariff, to compare the whole measure with that of the noble Lord. He would also take the whole proposition of the noble Lord, and having stated the exigencies of the time, he would analyze both plans, and then put it to the House to say, which was the best under the peculiar exigencies of the country. If he satisfied the House, that the exigency was such as to require a searching remedy, and if he could show that the proposition of the right hon. Baronet was the most complete and effectual, he would assume, that he had made out his whole case. He would first call the attention of the House to those points in which the plan of the right hon. Baronet and that of the noble Lord agreed, and thus the value of each would be more easily appreciated. He should also point out in what degree he differed from both, as to the remedy which the present juncture required, and failing to induce the House to concur in his opinion, he would give reasons for falling back upon the plan of the right hon. Baronet as the better of the other two. The noble Lord admitted, that at the present moment there was a great deficiency of the revenue to meet the expenses. This was equally admitted on the other side. The noble Lord allowed, that the deficiency ought to be provided for out of the current income. Upon this point also both parties were agreed. They further agreed, that the deficiency could not be saved out of the expenditure. There, however, he differed from them both. In his opinion, the proper mode of meeting the present emergency was, not by imposing further burdens upon the people in their present distressed condition, but to reduce the expenditure to the level of the income. The House, however, he was satisfied, would not agree to this course, and if he should press any such proposition to a division, he did not believe more than half-a-dozen Members would go out with him upon it. He did not think it an unfair assumption to say, that any proposal to meet the deficiency by saving from the expenditure would be almost universally resisted by the House. If, as had been threatened, the constituency complained of this tax, he would say, they had no just right to complain. It was they who elected the majority, well knowing that the persons whom they sent to Parliament would vote against any plan for making up a deficiency by saving from the expenditure; and they had no right to complain of that which was the work of their own hands. Those who were entitled to complain were, the persons not represented in that House; and he hoped, that they would complain, not of the right hon. Baronet, but of the noble Lord who spoke of the finality of the Reform Bill. That doctrine was the root from which all the evil sprang. The blame of the present exigency rested on both parties, but on none more than on the noble Lord who moved the amendment to the proposition of the right hon. Baronet. The noble Lord had followed out his system for more than eleven years, and the consequence was, that he and his party had fallen from a height of popularity which no Minister had reached for a long time previously, and he was now left in the hopeless condition in which he would find himself at the end of the division. The unrepresented classes were the persons who should feel just indignation at the course which had been pursued, and that indignation ought, properly, to fall to the share of the noble Lord. It was granted, that there was a deficiency, that the deficiency must be provided for, and the question then was, what were the best means of meeting it? It was not to be met by those charges and recriminations too commonly indulged in, which had the effect of making one debate to spring, phœnix-like, out of the ashes of another. It would not do to take up a volume of *Hansard* at one side and pitch it across the House at the head of an hon. Member on the other, who would retort by pitching another volume of the same work back at his assailant. It would not do, like two angry scolds, to deal in accusations and retort, such as "It was you who did it".—"No, it was not, it was you." Such was the course hitherto pursued. When it was asked who caused the deficiency? the right hon. Baronet said, "We did not. Look to Canada, and see there the smouldering ashes of a smothered war." The right hon. Baronet said this, as if he had no share in the proceeding—as if he had not stood at the back of the noble Lord and hounded him on. If there was to be a war expenditure, both parties must admit their share in the proceedings which led to it. There was no use in idle talk and recrimination; there was no use in flinging *Hansard* in each other's faces. The people knew the share which each party had in reducing the country to its present exigency, and might justly say with Mercutio, "A plague on both your houses." Both were equally guilty, and both were justly exposed to the indignation of the country. The right hon. Baronet had to raise a sum of from 2,000,000*l.* to 3,000,000*l.* to meet and cover the expenditure of the year. This he could not effect by any alteration of the tariff, and here it should be remarked, that the noble Lord in all his propositions never once said, that he could raise the required sum by any of his plans. This was a curious fact. The noble Lord never pointed out as a man of business any plan which would clearly go to provide for the deficiency. There was still another point. The noble Lord had stated, that he could provide for the deficiency, but contented himself by saying, that his plan would produce a certain sum of money. One of the modes was by an 8*s.* duty on corn, which, it should be remarked, was not simply for the purpose of revenue but for protection also, and on the point of protection the noble Lord again agreed with the right hon. Baronet. The country should understand, that when there was so much talk of relieving the working classes, and so much indignation expressed at the imposition of an Income-tax, which it was said, would press upon capital and thus prevent the employment of labour,—the country should remember, that notwithstanding this indignation, the Leader of the Opposition united with the Leader of the Government in keeping up the tax upon corn. How, he should like to know, would hon. Gentlemen who professed their desire to remove all restrictions on the importation of food, reconcile their votes for a total abolition of the Corn-laws with the imposition of an 8*s.* duty? How would they reconcile to themselves and their constituents their support of an 8*s.* duty on the first article of life, or what excuse could they give when (he hoped he should be pardoned the expression) for party purposes they went in direct opposition to their former votes? With respect to the tariff of the right hon. Baronet, the noble Lord concurred in that also, as far as it went, though he condemned it as not going far enough with respect to certain articles. He also agreed in thinking, that it did not go far enough, for he was desirous of doing away with the whole of the discrimating duties. As far, however, as the noble Lord and the right hon. Baronet were concerned, it would not be difficult to bring them into equilibrio upon this point. If the noble Lord went further in the article of sugar, the right hon. Baronet made amends in other articles of provision; and here the measure of the right hon. Baronet was of the utmost importance to the working classes, and it was well for the country to find a Minister who was bold enough to make such a proposition, notwithstanding the opposition which it was calculated to create amongst his own supporters. Protection to the landed interest was the cry usually raised for paltry purposes, whilst it was obvious that the whole lives of parties in that House were spent in a disgraceful scramble for power. [*Cheers from the Ministerial benches.*] He was glad to hear that cheer, but who, he asked, were those who used the Poor-law for electioneering purposes, professing to be the friends of the poor, and then turning round to the farmers, assured them that they would look to the protection of agriculture? These courses were adopted for party purposes, and night after night that House exhibited disgraceful scrambles for power both on one side and on the other. What was there in the proposition of the right hon. Baronet to quarrel with, when there was so much of agreement between him and the noble Lord? The difference between them was this:—They both agreed that there was a deficiency, which the right hon. Baronet proposed to make up by a direct tax, which the noble Lord never, as it appeared, intended to provide for. ["Oh, oh."] If he was in error, let it be shown. If the noble Lord proposed to make up the deficiency, let it be shown that he had done so. It had not, however, yet been shown. It was true the noble Lord said, that by his plan some monies might be gained from lowering the taxes, but it was not attempted to be shown, that a sum would be realized sufficient to meet the deficiency of revenue. The right hon. Baronet the Secretary for the Home Department adverted to this, and put the question as to what tax could be re-imposed—whether any of the proposed alterations of the noble Lord would make up the required sum, and, if not, how was that sum to be supplied? This question the right hon. Baronet distinctly put, and had any answer been given to it? The question was pertinent and pithy. Why had it not been answered? Simply because it could not. Much had been said of political economy, much sympathy had been expressed for the poor, and complaints had been made that employment would be curtailed by the defalcation of capital. The noble Lord argued that revenue should be raised, not by putting on, but by taking off taxes, which would lead to a larger consumption of the several commodities thus relieved. But out of whose pocket would the larger sum come? Somebody must pay it. ["No, no."] No, no! If 2,000,000*l.* were to be raised, somebody must pay it; and would not this be a defalcation of capital? But even then it was admitted that the whole of the deficiency could not be raised in that way. If so, what else remained but direct taxation? There must in any event be 2,000,000*l.* taken from the means of employment, to meet the exigencies of the State. If done directly the people would know how it was taken; if indirectly, it would amount to the same sum. He defied any political economist to take 2,000,000*l.* of money from the people without thereby diminishing their means of enjoyment. He could show from the writings of the most eminent political economists that all taxation fell upon capital, wages, rent, and profits. That which fell upon wages was bad, as was also that which fell upon capital. The question for a statesman to consider was whether more was taken in the way of taxation than the people could reproduce annually; for if there was not a reproduction the tax then began to fall upon capital, which would then be reduced. It would then be a statesman's duty to act as one would act in private life, and reduce his expenditure to the amount of his income. Now, if a proposition were made which would have the effect of so altering our fiscal regulation as to give to the people what they ought to have, and if an instrument were provided for carrying such a proposition into effect, would the noble Lord vote for it? No, he would not unless it afforded protection to agriculture. Taking, therefore, the House as it was, and judging between the leaders of both parties, seeing that the total abolition of these duties could not be effected, and that the House was not prepared to make such fiscal alterations as would give the people their rights, opposed as such a proposition would be by the noble Lord and the right hon. Baronet, what was to be done? Was the country to be left in the financial state in which it would remain if the noble Lord's resolution were carried—a state in which no man of forethought, honour, or courage would allow it to remain. Under such circumstances every man was called on to make a sacrifice, and he was not to be daunted by the cuckoo note of inquisitorial. All talk of that kind would quickly fade away in the result of actual experience. For his own part he should vote in the way which he thought right, and if his constituents thought he was wrong, they could give an intimation to that effect in the proper way. He should not be frightened from his propriety by the alleged inquisitorial nature of the tax. As to the idle taunt of a war-tax it was beneath an answer. What meant a war-tax? A tax which was to be spent in war. Was not money expended in the war in Affghanistan? Was not money spent in the war in China? This money was raised by taxation, and so much of it as was spent thus was a war-tax. People talked of a reserve in time of need. Was not this a time of need? We wanted more than we had. We had acted like careless spendthrifts for more than ten years, and it was high time that we should make up our accounts and pay over the counter. The money must be had somewhere, and if it pressed upon the industry of the people, they had the remedy in their own hands. It was in the power of the constituency to turn out any man who voted against the imposition of taxes. As regarded the present proposition, he concurred in the opinion that a direct tax was the least expensive, at the same time that it gave to the people the advantage of knowing what they had to pay. He hoped that he should not be ranked as an enemy of the people in taking the course which he considered the best. He might be wrong, but guided by the light he had, and weighing well the two propositions, he was prepared to advocate the plan which let the people know what they had to pay, and imposed the tax in the cheapest manner. He should, therefore, vote for the proposition of the right hon. Baronet, and he hoped he should be able, hereafter, to persuade him to alter what was crying and unjust in the measure when it went into committee. ["Oh, oh."] Yes, he would oppose in committee whatever he considered unjust in the measure, and, he believed, that means might be adopted for making it press more equally. It was in the power of the House, by votes, by arguments, by addresses to the Crown, to alter what was obnoxious in the measure, and if these failed, not on those who made the endeavour to amend the bill, but on those who resisted it, let the odium fall. He would vote for the right hon. Baronet, because he alone of the two statesmen who had made their several propositions, had really adopted means equal to the exigency. He had fairly met the difficulty in the face, and had stated it to the full extent in which it ought to be exhibited. He had met the case honestly, and had plainly stated it without circumlocution. He had not indulged in any shuffling expediency, and was therefore more worthy the confidence of the people than those who were now his opponents.

Mr. *Wallace* declared he never heard a more illogical speech than that which had just been delivered by the hon. and learned Member for Bath. It was a speech of cleverness, but in no respect applicable to the matter in hand. The hon. Member proved that he knew nothing about the subject on which he had undertaken to enlighten the House. The hon. Member told the right hon. Baronet he approved of an Income-tax, and assigned various reasons for the support he intended, giving to what most other people considered a most odious imposition, that is, he would give him his support at the present stage, but when it appeared in Committee he was oppose it on the ground of professional income not being a fair subject for taxation, in other words, the hon. and learned Member was prepared to oppose when the shoe pinched himself, but allow it to fall with all its weight on others. But the people also felt for themselves, and, if he knew any thing of them, he should say they would not submit to the imposition. At any rate Scotchmen or Irishmen would not. All he could say was, that if any Scotchman tamely submitted to it, he must be one of the few noodles which Scotland produced. He would tell the promoters of this detested Income-tax, that they were bringing an old house about their ears. Distressed as the people were from one end of the kingdom to the other, they were not prepared to let the Government take away still further from them the means of giving employment to the working classes. For his own part, he was resolved to take every opportunity of opposing this Tax, for the purpose of putting it off long enough to allow the whole agricultural population to see whether the promised tariff was likely to be productive to them of good or of evil. And now he felt bound to call upon hon. Members on the other side, who represented agricultural constituencies, to exert themselves, for the purpose of inducing the right hon. Baronet opposite to show in what manner he could benefit the consumer without loss to the landed interest. The truth is, the country must get the tariff, or refuse the Income-tax. It was not every hon. Member in that House who could recollect the working of the Income-tax in former times, but he was old enough to possess some acquaintance with that subject. He believed the present generation had not an idea of the oppressive and annoying character of an Income-tax. It was every thing that could be odious and disgraceful to a free country. He should oppose it to the utmost of his power, and give the proposition of the noble Lord the Member for London his most cordial support.

Mr. *Sharman Crawford* having heard it stated by the hon. Member for Bradford, that a memorial had been presented to Government from a numerous and respectable body of Rochdale, in favour of the right hon. Baronet's proposal, desired to say, that he had taken pains to inform himself of the feeling in that town by calling a public meeting. At that meeting, which was numerously attended, the opinion expressed, without a dissentient voice, was, that the Income-tax ought to be opposed. He felt bound, therefore, to consider that the opinion of the people of Rochdale was opposed to the plan of the right hon. Baronet. On the last division he had abstained from voting, because he would neither give his support to the proposition of the noble Lord, nor that of the right hon. Baronet, but on the present occasion he should feel it his duty to vote against the right hon. Baronet.

Mr. *Cobden* said, that there were other taxes quite as unequal in their pressure and as unjust in their operation as any Income tax could be. He did not therefore oppose the Income-tax as an Income-tax. He opposed it as he would oppose any other tax to be laid on under the present circumstances of the country, because, in the first place, when trade was suffering and while every private establishment was compelled to reduce its expenditure, economy ought to be carried into every department of the Government, from the most illustrious person in the land down to the humblest. He could not agree with the hon. Member for Bath that, because he did not see a majority ready to support him, he must therefore go over to the other side and swell a majority already too large. In the second place he opposed an Income-tax, because he believed the country was paying taxes to classes and to individuals which, if repealed, he had the highest authority for stating there would be an abundant revenue accruing to the State. He would say, then, abolish monopolies first; and then, if the expenses of the Government could not be met, would be the time to talk about imposing fresh taxes. The right hon. Baronet and his followers would not admit that the Corn-laws and the restrictions upon trade had anything to do with the distress that prevailed; but when the budget was brought forward they proposed what was called a grand system of tariff reform. Then it was suddenly discovered that commercial restrictions caused the distress of the country, and then the noble Lord the Member for Lancashire, who for three years had opposed all the attempts of the free-traders, said it would be a crime of the highest magnitude to delay for an hour measures which were to restore prosperity to the country. There was a new-born zeal for commercial reform, and these raw recruits actually chid and snubbed the old veterans in the cause of free-trade, who for years had been vainly knocking at the doors of that House and asking for relief. For three years the manufacturers and traders had been showing what in their own opinion was the remedy for commercial distress. Petitions had been sent up to that House with five million signatures, and a thousand meetings had been held all over the country—all those proceedings tending to one point —the repeal of the Corn-law. The right hon. Baronet had come down with what he called a tariff, but it was not a tariff, for it excluded the most important article of commerce. The right hon. Gentleman excluded corn from his list of marketable commodities. He said emphatically that the right hon. Gentleman would not allow the corn that was wanted to come in, for by his new proposal he placed as complete a barrier against a regular trade in corn, as there was under the old system. The traders and manufacturers had applied for one sole remedy for the grievances of which they complained. He did not mean to say that all advocated a total repeal, because a very large section were favourable to a fixed duty, but had any body of merchants, manufacturers, or traders, presented petitions to that House in favour of a sliding-scale? ["Question."] That was the question. They brought forward what they called a tariff, from which they expunged the article, not of corn only, but of sugar also. Those two commodities were essential to the trade of this country to both the New and the Old World. There was now sugar in this country, from the Brazils and Cuba, lying in bond, which might be had for half the price which was obtained for the article imported from our own colonies. What, after all, was this tariff? Take cattle, the most important article it contained. ["Question."] It was the question. Why the right hon. Baronet himself had told them they were to take the two subjects together. The most important change, then, in the tariff was the introduction of live cattle. Now, he admitted the importance of that feature as the concession of a principle. But there could not be a great trade in cattle—it must be principally restricted to the nearest parts of the Continent. Then if there was no great importation, there could be no great export of goods, and no great consequent increase of employment for the people. But if there was a large import of cattle, that would be no deterioration of the revenue, for cattle had hitherto been prohibited, and it was manifestly unfair to put forward as an excuse for an Income-tax that which made no reduction in the revenue; but, on the contrary, increased it. He found no reduction in this tariff upon articles of general consumption—no reduction upon tea, sugar, or butter. There was a reduction of 4*s.* per cwt., it was true, upon salted meat; but he doubted much whether much salted meat could be consumed by the people of this country without injury to their health. There was no reduction upon the article of cotton, though there was a duty of 5 to 6 per cent. upon the raw material. Much had been done in trifles, but the articles most essential to the trade of the country the right hon. Baronet had passed over. These were the things to cause a defalcation of 1,200,000*l.*, and these were the excuses for the Income-tax. There was a reduction in the article of timber at a time when the people could not afford to build houses, and when the merchants could not build ships. The Government allowed the importation of beef at a time when the people were reduced to a potato diet and wanted bread; they admitted French boots and gloves, to compete with our own artisans at a time when they hindered them from the advantage of a free-trade in corn. He denounced them for thus appearing before the country in the guise of free-traders, and beginning their operations at the wrong end. The Income-tax was not necessary to carry out the principles of free-trade, and as a free-trader he utterly repudiated it. The articles in which they desired free-trade were those which yielded no revenue to the State, but only put money in the pockets of individuals. The free-traders did not wish to touch the Queen's Exchequer at all. A free-trade in corn would be of ten thousand times more importance than all the right hon. Baronet had proposed. Allusion had been made to the petitions that had been presented in favour of the tariff, and he was ashamed to say, that the persons most active in promoting those petitions were the clergy of the establishment. What had been the conduct of the clergy when they were asked to join their dissenting brethren in opposition to the Corn-laws? They refused, on the ground that they could not interfere in party politics. No sooner, however, was the Corn-bill secure, than the clergy had come forward as partisans and supporters of the Government; and so rash and hasty had they been in so doing, that they had actually signed petitions for the whole tariff before the amended tariff had come out, and had prayed that the whole might pass. Thus, then, they had petitioned for the first tariff with all its errors, and now he supposed they would have to petition again for the amendments. [*Interruption.*] He assured the House that he did not intend to trespass further upon its patience. But, representing as he did a constituency desolate and wretched as the people of Stockport now were, he conceived that he had not intruded their wrongs and sufferings upon the attention of the Legislature more than they deserved. When the right hon. Baronet (Sir Robert Peel) brought forward a proposition which was to be a panacea for all the ills of the country, he thought that as the representative of a large and suffering portion of the community, he occupied a position in that House, which warranted him in expressing an opinion as to what the probable effect of the right hon. Baronet's proposition would be. He was bound to say, that he thought the right hon. Baronet and his supporters were entirely deluded as to the result of the measures now proposed. He believed that under the operation of those measures, the right hon. Baronet would not find such a revival of trade as would give him an opportunity of removing the Income-tax. He could not see from what such a revival was to arise. The remedy had been delayed too long. For years past the right hon. Baronet and his party had resisted all amelioration.

For years past trade and commerce had been allowed to languish and decline—no helping hand had been extended to them; and now that a remedy was at length proposed, he feared it came too late. During the last six months there had been a reduction of the wages of the working class, equal to an annual sum of 5,000,000*l.* sterling. Think how that would act upon the Exchequer, and upon the trade of the country. Think of this mighty reduction in the earnings of the people, and then consider what must be the prospect of a country so situated —a country, the prosperity of whose trade and commerce, nay, whose very greatness in the estimation of the world, depended upon the industry of the working classes of its community. Let the House consider this, and then ask itself whether, having so long delayed the application of remedial measures, it believed that the homœopathic system now proposed would be sufficient to effect a cure. Three years ago, the Gentlemen opposite refused to believe that the manufacturers were in distress. Two years ago they shut the doors of the House against them. Twelve months ago, when the representatives of the manufacturing classes went into statistical detail, and brought forward statements of figures to show that they were in distress, the right hon. Baronet told them that they were not in a state of suffering. All remedy had been left alone until the symptoms of distress and poverty were felt in the Exchequer. Now the question of trade and commerce was taken up —now the principles before stigmatised as something atrocious and not to be tolerated, were taken into consideration with the view of being acted upon; and now the Government came forward to propose an Income-tax as a remedial measure for the great interests which had been suffered to fall into decay and ruin. He told the right hon. Baronet that he would fail in his policy unless he went further. Hitherto the taxation of the country had been derived from its manufacturing industry. The manufacturers had been the beasts of burden who had sustained the expenses of the country's wars. The right hon. Baronet knew the importance of the manufacturing world to the revenue of the State. The right hon. Baronet had now the remedy in his own hands. He might now relieve the consumers of the country, and give them an opportunity of bearing the expenses of the State, which they could well do, ay, better than the people of any other country on earth, if free scope were given to the exercise of their industry. Let the right hon. Baronet do this, and he might have revenue and prosperity yet. Let him fail to do so, and he would soon find that he had exhausted the energy of the working bee—that the honey was consumed—that there was nothing but the honeycomb to feed on;—let them see how long that would last. Arkwright, when he had finished his invention, said the country need not care for the war which then raged, he would pay the expenses; and he had done so. It was the cotton trade, despised as it was, that had enabled the country to pay the enormous interest of the debt the war had heaped upon her. If they destroyed that trade, as they were trying to do, destruction would come sooner upon them than they were aware of.

Mr. *Muntz:* I am as much opposed to the Income-tax as the hon. Member, or any man in England. But the right hon. Baronet dared not to have proposeda property-tax without one upon income also. At the same time I am so anxious to see a tax upon property, that I would rather vote for a tax upon both than lose it. The hon. and learned Member for Bath says the House was about to come to a party vote. I will not give a party vote —I never will—I am going to vote with the right hon. Baronet, because I think it would be for the benefit of the people at large [*cheers*]—I say to the interests of the people at large—not to the interests of the elector—not to the interests of my supporters—that is no consideration to me [*laughter and cheers*]. If my vote does not please my constituents, they know what to do in the case. I wish them to do as they please; but I am sure I am voting for the interests of the great body of the people, when I place the burden of taxation upon those who are not only competent to bear it, but who are the framers, the regulators, and the directors of the law. Now, I object to the Income-tax. [*Laughter.*] I don't quite understand that laugh. I said before, that I object to an Income-tax as much as any man in England, and I was going to assign a reason why I object to it. I object to it, because it is exceedingly inquisitorial, because it falls with exceeding weight upon those unfortunate tradesmen, who in times like these, dare not let their circumstances be known to the public, and who for that reason are obliged to declare and pay upon an amount of profits which they do not realise. I mention this, to show that I am well aware of the working of an Income-tax. I remember the last Income-tax, I was then in business and felt the operation of it, but I do not consider that these privations imposed upon the tradesmen constitute a sufficient reason for my objecting to the property-tax, which now appears to me to be necessary. If I believed that the proposals of the former Government, if carried into effect, would render unnecessary the imposition of an income or of a property-tax, I should feel bound to vote against the present proposition of the right hon. Baronet; but I do not believe that those proposals would have realised the views of those who introduced them. I am totally at variance with the Members of the late Government upon that point. I believe that their measures would have failed. In the present state of the country some remedial measure is required; and I do not wish for longer delay. I go further than this, and say that I do not believe, that the measures proposed by the right hon. Baronet and his supporters will relieve the distress of the country, and therefore it is that I wish they may be laid on, because they will show the people that other measures are necessary such measures as neither party in this House have yet proposed. The only object I had in rising was to say these few words to justify the vote I am about to give. [*Laughter.*] I have not the slightest objection to Gentlemen laughing. I feel that the reasons I have assigned are sufficient. I wish to lay the burden upon the Government and upon those who are able to bear it. I have no more to say upon the subject.

Mr. *Rundle* rose amidst loud and general calls for a division. He merely wished to state that he purposed to vote against the proposition of the right hon. Baronet, for the very reason assigned by the hon. Gentleman who had just sat down, as inducing him to vote in favour of it; and that reason was, that he wished to see the burden of taxation laid upon the lawmakers, whom he conceived to be the landed proprietors of the country. He thought that a legacy duty ought to be imposed on the descent of real property. Until measures of that kind had been resorted to, he did not think they would be justified in imposing an Income-tax upon the country.

The House divided on the question, that the word "now" stand part of the question:—Ayes 285; Noes 188: Majority 97.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Ackers, J.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, Capt.
Arkwright, G.
Ashley, Lord
Astell, W.
Attwood, J.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Baird, W.
Balfour, J. M.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, Sir R.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Beresford, Capt.
Beresford, Major
Bernard, Visct.
Blackburne, J. I.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burroughes, H. N.
Campbell, Sir H.
Campbell, A.
Cardwell, E.
Carnegie, hon. Capt.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Christmas, W.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clements, H. J.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Codrington, C. W.
Colvile, C. R.
Conolly, Col.
Coote, Sir C. H.
Corry, rt. hon. H.
Courtenay, Visct.
Cripps, W.
Currie, R.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Duncombe, hon. A.
Du Pre, C. G.
Eaton, R. J.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Estcourt, T. G. B.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Ferguson, R. A.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, Capt.
Fitzroy, hon. H.
Fleming, J. W.
Follet, Sir W. W.
Forbes, W.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W E.
Godson, R.

Gordon, hn. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greene, T.
Gregory, W. H.
Grimsditch, T.
Grimston, Visct.
Hale, R .B.
Halford, H.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt.hn.Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir E.
Heathcoate, Sir W.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Houldsworth, T.
Holmes, hon. W. A'C.t
Hope, hon. C.
Hope, A.
Hornby, J.
Ingestre, Visct.
Inglis, Sir R. H.
Irton, S.
Jackson, J. D.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, Sir J.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelburne, Visct.
Kemble, H.
Kirk, P.
Knatchbull, right hon.
Sir E.
Knight, H. G.
Knight, F. W.
Law, hon. C. E.
Legh, G. C.
Leicester, Earl of
Liddell, hon. H. T.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lopes, Sir R.
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
M'Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Martyn, C. C.
Marton, G.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morgan, C.
Mundy, E. M.
Muntz, G. F.
Neeld, J.
Neeld, J.
Neville, R.
Newry, Visct.
Nicholl, rt. hn. J.
Norreys, Lord
Northland, Visct.
O'Brien, W. S.
Ossulston, Lord
Owen, Sir J.
Paget, Lord W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pigot, Sir R.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Rice, E. R.
Richards, R.
Roebuck, J. A.
Rolleston, Col.
Rose rt. hon. Sir G.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scott, hon. F.
Seymour, Sir H. B.
Sheppard, T.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smollett, A.
Somerset, Lord G.
Somerton, Visct.
Stanley, Lord
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, hon. F. J.
Tomline, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Vivian, J. E.
Waddington, H. S.
Welby, G. E.
Whitmore, T. C.
Wilbraham, hn. R. B.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hn. J. S.
Wyndham, Col. C.
Young, J.
Young, Sir W.

TELLERS.

Baring, H.
Fremantle, Sir T.

List of the NOES.

Ainsworth, P.
Aldam, W
Anson, hon. Col.
Archbold, R.
Armstrong, Sir A.
Bannerman, A.
Barclay, D.
Baring, rt. hon. F. T.
Barnard, E. G.
Bell, J.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hn. H. F.
Bernal, R.
Bernal, Capt.
Blackstone, W. S.
Blake, M.
Blewitt, R. J.
Bodkin, J. J.
Bowring, Dr.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Bulkeley, Sir R. B. W.
Buller, C.
Buller, E.
Busfeild, W.
Byng, G.
Byng, rt. hon. G. S.
Cave, hon. R. O.
Cavendish, hn. C. C.
Cayley, E. S.
Chapman, B.
Childers, J. W.
Christie, W. D.
Clay, Sir W.
Clements, Visct.
Clive, E. B.
Cobden, R.
Colebrooke, Sir T. E.
Craig, W. G.
Crawford, W. S.
Dalmeny, Lord
Dalrymple, Capt.
Dashwood, G. H.
Dennistoun, J.
Drax, J. S. W. E.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, Admiral
Dundas, D.
Dundas, hn. J. C.
Easthope, Sir J.
Ebrington, Visct
Ellice, E.
Ellis, W.
Elphinstone, H.
Evans, W.
Ferguson, Col.
Fielden, J.
Fitzroy, Lord C.
Forster, M.
Fox, C. R.
Gibson, T. M.
Gill, T.
Gordon, Lord F.
Gore, hon. R.
Granger, T. C.
Grattan, H.
Grey, rt. hn. Sir G.
Hall, Sir B.
Harris, J. Q.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Hayter, W. G.
Heathcoat, J.

Heneage, E.
Hobhouse, rt. hn. Sir J.
Holdsworth, J.
Howard, hn. C. W. G.
Howard, hn. J. K.
Howard, Lord
Howard, hn. E. G. G.
Howard, P. H.
Howard, hn. H.
Humphery, Mr. Ald.
Hutt, W.
James, W.
Jervis, J.
Johnston, A.
Labouchere, rt. hn. H.
Lambton, H.
Langston, J. H.
Leader, J. T.
Macaulay, rt. hn. T.
M'Taggart, Sir J.
Maher, V.
Mangles, R. D.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Martin, J.
Maule, rt. hn. F.
Mitcalfe, H.
Morris, D.
Morrison, General
Morrison, J.
Mostyn, hn. E. M. L.
Murphy, F. S.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, J.
O'Connell, D.
O'Connell, M.
O'Connell, M. J.
O'Connell, J.
Ogle, S. C. H.
Ord, W.
Oswald, J.
Paget, Col.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Pendarves, E. W. W.
Philips, M.
Plumridge, Capt.
Ponsonby, hn. C.F.A.C.
Ponsonby, hn. J. G.
Powell, C.
Power, J.
Protheroe, E.
Pulsford, R.
Redington, T. N.
Ricardo, J. L.
Roche, E. B.
Rundle, J.
Russell, Lord J.
Rutherfurd, A.
Scholefield, J.
Scott, R.
Scrope, G. P.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Shelborne, Earl of
Smith, B.
Smith, rt. hon. R. V.
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stewart, P. M.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Traill, G.
Troubridge, Sir E. T.
Tuite, H. M.
Turner, E.
Villiers, hon. C.
Vivian, hon. Major
Vivian, J. H.
Vivian, hon. Capt.
Vyvyian, Sir R. R.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Wason, R.
Wawn, J. T.
Williams, W.
Winnington, Sir T. E.
Wood, B.
Wood, C.
Wood, G. W.
Worsley, Lord

TELLERS.
Hill, Lord M.
Tufnell, H.

Bill read a first time; to be read a second time.

SUPPLY.] House in Committee of Supply.

Sir *George Clerk*, in the absence of his right hon. Friend, the Chancellor of the Exchequer moved, that a sum not exceeding 8,253,000*l.*, be granted to provide for outstanding Exchequer-bills during the ensuing year.—Agreed to.

On the motion, that the sum of 60,000*l.* be granted to defray the charges of civil contingencies, for the year 1842,

Mr. *W. Williams* begged to be informed what the question or business was, which was before the House. Something relating to supplies had been brought forward, amidst the greatest noise and confusion, which prevented him from hearing a word of what was passing. This might be a very easy way to obtain votes of the public money, but it was not the proper method of proceeding.

Sir *George Clerk* explained, that the present motion was, that the sum of 60,000*l.* be granted towards defraying the charges of civil contingencies for the year. The vote was necessary for the public service. The amount required would be 130,000*l.*, though only 60,000*l.* were at present asked for.

Mr. *W. Williams* having learned, that a sum of 8,000,000*l.* or more, had been voted away during the confusion, must say, that when such large votes were to be proposed, notice should be given of the intention to propose them. He should have had some remarks to make on the motion, but could not hear a single word that passed. If the hon. Gentleman meant to confine the present motion to a vote on account, he should not oppose it.

Vote agreed to.

House resumed.

MUNICIPAL CORPORATIONS.] On the Order of the Day, for going into Committee on this Bill,

Mr. *Leader* objected to the measure. He should have opposed it at an earlier stage, but no discussion had taken place and he had not at first been aware of the extensive manner in which the bill would affect the rights of the new corporations. Unless the bill had been considerably altered, he should feel it his duty to oppose it, as no good reason was assigned for some of the clauses.

The *Attorney General* was surprised at the opposition of the hon. Gentleman, as he held certain clauses in his hand, the insertion of which, he had understood, would meet the objections of the hon. Gentleman. The bill was intended to protect from penalties those persons who, holding leases under corporations, had accepted the office of town councillor, on the understanding, that such leases did not come within the meaning of the law which prohibited persons who held contracts from corporations, acting as members of such corporations. When the clause in question passed, it was the undoubted opinion of the law officers of the Crown, and of legal men on both sides of the House, that the word contract did not include leases held from corporations. They had all agreed—and two of the gentlemen who concurred with the opinion now held seats on the Bench—that a person holding a lease did not come within the terms of the prohibitory language in the 28th section of the act. That reading of the law was acted on for four years, when somebody raised a speculative point of law. A *quo warranto* information was moved for against a town-councillor of Bridgewater, for having acted in that capacity while holding a lease from the corporation. Pending the trial of that information, he (the Attorney-general) had drawn the attention of the then Government to the circumstance. The opinion was unanimous, that the information could not be sustained. Scores of persons holding leases of the same kind had taken the office of town-councillor, and the noble Lord (Lord John Russell) answered, that he had information, that there was not the least chance of the decision going against the party complained of—that the point was quite clear. The result, however, was, that the information issued, and, to the surprise of every one, the Court gave judgment in favour of the information. He (the Attorney-general) did not mean to impugn the decision of the learned Judges. He bowed to that decision. But it was only an act of common justice to give to these persons who had taken office, under the opinion of the House, indemnity against any penal consequences which might ensue from that course. The object of the bill was to prevent the penal actions from going on, which, in consequence of the circumstances that had taken place, might be brought forward in hundreds. Provision was made by the bill for paying the costs of any actions brought up to a certain time. Provisions were likewise introduced with regard to actions brought after that given time had expired, and for securing those persons who had been elected to offices. The bill was a short one. It provided, in the first place, that the word "contract" should not be taken to extend to a lease, purchase of lands, or loan of money. It was further provided, that persons who had already incurred penalties under the decision of the Judges, might apply for indemnity as to the penalties and the costs. He had had various communications from various quarters, and his invariable answer was, that the object of the bill was to do an act of justice, and, therefore, that he could not admit any other matter into it. But it being considered, that the bill was defective without some provision for the prevention of jobbing, he had admitted the clauses which had been drawn up by his hon. Friend, the Member for Worcester. He wondered, however, at the opposition of the hon. Member for Westminster, as the hon. Member had given his concurrence to the clauses on the subject being mentioned to him.

Mr. *Leader* explained. He had only mentioned to the hon. and learned Gentleman, that there would be less difficulty in carrying the bill, if such clauses were introduced; but he had never seen them in a formal shape. He, therefore, suggested, that they should be printed, because the bill as it stood, repealed the 38th section of the Reform Act; and it was necessary for hon. Members to know the provisions which were to be introduced.

Sir *F. Pollock* suggested, that the bill should be suffered to pass through the committee *pro formâ*, and that the clauses might be printed, and added on bringing up the report. He declined, however, to make it a declaratory act, as had been suggested.

Sir *R. Fergusson* wished to know if the provisions of the bill would be extended to Ireland?

Lord *Elliot* said, he was sure his hon. and learned Friend would have no objection to do so with his bill, if it was deemed necessary.

Sir *F. Pollock* thought it would be more regular to confine the operation of the measure to England, as it was in England alone the mischief had occurred.

Mr. *Bernal* suggested a short bill to be applied to Ireland.

Sir *R. Peel*: If the words of the English and Irish Municipal Acts are the same, and the principles identical, surely, it would be much better to introduce the amendments as regards Ireland into the present bill, than to bring in a separate bill for the purpose. I think the unnecessary multiplication of acts of Parliament a very great evil.

Sir *F. Pollock* would, as he had stated, go through the bill that night; and when it was reported, he should move its recommittal. The amendments ought to be printed between those periods, and, in the meanwhile, he should consider some clauses as regarded the extension of the measure to Ireland.

Mr. *Hodgson* said, that having attended several nights to propose the amendment of which he had given notice, that the words, "office, or place of profit," in the bill, should not extend to the office of sheriff, he should certainly press its adoption upon the committee, unless some objection were stated to it.

The *Attorney General* said, that he must object to the clause, not as improper in itself, but as opening the door to the introduction of all sorts of amendments of the Municipal Corporations Act, into a bill which professed to have no such object.

Bill went through committee *pro formâ*, and was reported.

House adjourned.

HOUSE OF LORDS,

Tuesday, April 19, 1842.

MINUTES.] BILLS. *Public.*—2^{a}. Mutiny; Marine Mutiny.

3^{a}. and passed:—Indemnity; Public Works.

Private.—2^{a}. Sir J. Cass's Charity (Shaw's) Estate; Birmingham and Liverpool Junction Canal.

Reported.—Wakeyhill Inclosure; Benecke's Naturalization; Fierville's Naturalization; Duke of Bedford's Estate (H.C.); Stanhope and Tyne Railway; Severn Navigation; Edinburgh and Glasgow Railway.

3^{a}. and passed:—Brandling Junction Railway; Cottenham Inclosure.

PETITIONS PRESENTED. By the Earl of Radnor, Earl Fitzwilliam, and Lord Kinnaird, from Stroud, Warminster, Strafford, West Ham, Falkirk, Mansfield, Plaistow, Bromley, Marsden, Colne, Forfar, and a great many other places, for a Repeal of the Corn-Laws.—By Viscount Melbourne, from Harleston, for a Fixed Duty on Corn.—By the Marquess of Downshire, from Sligo, for a Revision of the Marriage Law.—By the Earl of Mountcashel, from Millowners in Queen's County, Moate, Kilbride, and other places, against the Importation of Foreign Flour into Ireland; and from the Mill-owners of Sunderland, against the Importation of Foreign Flour into the United Kingdom.—From the Confectioners of Manchester, for Inquiry and Protection.—From Members of the Rutland Agricultural Society, from Lincoln, Cirencester, Warwick, Aberdeen, and other places, for Protection to the Agricultural Interest.—From Knock, Breda, and Templemore, for the Encouragement of Schools in connexion with the Church Education Society (Ireland).—From Dissenting Congregations at Atrogill, and Cork, that Marriages solemnized by a Dissenting or Presbyterian Minister between Members of the Church of England and Dissenters and Presbyterians may be Valid.—From Alloa, against the Income-tax.—From Pembroke, Swansea, and Haverford West, against the proposed Removal of the Irish Mail Packet Station.

CATTLE — THE TARIFF.] A petition having been presented from the Rutland Agricultural Society, for protection to the agricultural interest,

The Earl of *Hardwicke* said, he would take that opportunity of making a few observations, and of referring to certain returns, for the purpose of showing, that the fears of the petitioners and others who concurred with them as to the danger of any extensive importation of live stock from the Continent were unfounded. He held in his hand a return which would show the great increase in the importation of cattle, sheep, &c., from Ireland to England, by Liverpool, and coastwise, between the years 1826 and 1839. In the former year the—

Black cattle were . . .	57,395
Sheep	62,819
Pigs	73,912
Bacon and hams (cwts.) . .	338,218
Beef and pork (barrels) . .	143,725

In the year 1839 the importations were—

Black cattle	169,892
Calves	1,566
Sheep	252,057
Lambs	28,351
Pigs	390,561
Horses	5,674
Mules	434

The total value of these amounted to 3,330,857*l.* The number of oxen and sheep sold in Smithfield, from 1833 to 1839, both inclusive, were as follows:—

Years.	Oxen.	Sheep.
1833 . .	152,093	1,167,820
1834 . .	162,485	1,237,360
1835 . .	170,375	1,381,540
1836 . .	164,351	1,219,510
1837 . .	172,435	1,329,010
1838 . .	183,362	1,403,400
1839 . .	180,780	1,360,250

This showed an average increase of 3 per cent. on oxen, and of 2¼ on sheep. He would now beg to call the attention of their Lordships to the imports and exports of live cattle in some of the continental states for given periods. From this it would appear that—

In 1837, France had of live cattle:—Imports, 587,554; exports, 422,136. In 1836 Denmark exported 28,323 oxen, 5,009 cows, 6,903 calves, and 13,028 pigs.

From the years 1832 to 1836, both included, the imports and exports of the "Prussian Commercial Union" of sheep, pigs, calves, cows, oxen, and bulls, were as follows:—

Years.	Imports.	Exports.
1832	182,878	72,204
1833	207,528	79,208
1834	287,345	180,423
1835	279,200	135,678
1836	336,700	129,746

In Prussia generally the imports and exports of oxen, cows, and calves were as follows:—

Years.	Imports.	Exports.
1828	19,752	8,197
1829	20,342	7,971
1830	17,901	9,012
1831	13,556	8,062

Of sheep and swine in the same years there were—

Years.	Imports.	Exports.
1828	371,730	118,426
1829	324,116	107,712
1830	361,422	140,549
1831	197,625	93,598

In the years 1832 to 1836, both inclusive, the imports and exports were—

IMPORTS.

	1832.	1833.
Oxen	17,606	18,387
Cows	6,437	7,179
Young cattle	3,067	3,240
Pigs (fat)	15,698	14,826
Pigs (lean)	102,278	117,516
Sheep	37,792	46,380
Total	182,878	207,528

In 1834 the total imports of all the above oxen, cows, &c., were 287,345. In 1835 the total imports were 279,200. In 1836 they were 336,700. The exports were in the same year as follows:—

EXPORTS.

	Oxen, Cows, Young Cattle, &c.
1832	72,204
1833	79,218
1834	180,423
1835	135,678
1836	129,746

In the year 1837 Sweden imported 1,139 horned cattle from Finland, and 800 other, but she exported none in that year.

It would be seen from those returns, that the imports of all the countries he had named were much greater than the exports, and that from that circumstance, and the continued increasing consumption of the countries themselves, there was no ground for apprehending any influx of foreign cattle into England. Let it be remembered, that of all the exports of cattle from foreign countries none as yet could come to England, and that the exports which he had read were to supply other markets, in which the demand, there was no reason for believing, would be less henceforward than it had been heretofore. Under these circumstances he could by no means concur with those who apprehended any injury to the agricultural interests from an importation of foreign cattle.

The Earl of *Yarborough* did not take the same view of the case as the noble Earl. He thought the tariff would be made use of for an extensive importation of foreign cattle and provisions.

Petition laid on the Table.

FRUIT—THE TARIFF.] The Earl of *Radnor*, begged to call their Lordships' attention to the new duty on the importation of foreign apples, pears, &c., and said, that the change of duty from 5 to 15 per cent. *ad valorem* was injudicious and unjust to the consumer in this country. Notwithstanding the low duty, the price of apples had risen in the last two years.

The Earl of *Winchilsea* said, that this had arisen from two successive deficient crops in the last two years. He thought that the protection given to the home growers of apples by the tariff was only what they had a fair claim to.

The Earl of *Radnor* moved for some returns showing the amount of foreign fruit imported since 1833, and the duty paid.—Ordered.

CORN-LAW — FIXED DUTY.] Lord *Brougham* wished to give notice of the course he intended to take with respect to the bill on which they would soon be called upon to go into committee. After the debate of last night, which went on the question of restriction or no restriction, and after that which his noble Friend (Lord Melbourne) was about to raise on the question as to the manner in which a certain restriction was to be carried into effect, he did not think, that he should discharge his duty if he did not give their Lordships an opportunity of recording their opinions as to the great and important question of any duty on the importation of human food. It was perfectly clear that neither on the debate of last night, nor on that which was now about to come on, could their Lordships come to a satisfactory decision so as to affect what he considered the great question. It was his intention to give their Lordships that opportunity, and would therefore, as soon as the motion of his noble Friend should be disposed of, take the sense of their Lordships on each of the three resolutions which he would read. The question which they would decide this evening would be as to the preference to be given to a fixed duty or a sliding-scale; but the question which his resolutions would raise would be as to the principle of any duty in any way on the introduction of foreign corn. His resolutions would be—

"1. That no duty ought to be imposed upon the importation of foreign corn for the purpose of protecting the agriculturist by taxing the introduction of food.

"2. That no duty ought to be imposed upon the importation of foreign corn for the purpose of regulating trade by taxing the introduction of food.

"3. That no duty ought to be imposed upon the importation of foreign corn for the purpose of raising the revenue by taxing the introduction of food."

CORN IMPORTATION BILL.] The Earl of *Ripon* moved the Order of the day for going into committee on the Corn Importation bill.

Viscount *Melbourne* said, he wished to bring on the motion, of which he had given notice, before the Order of the day should be read.

The Earl of *Ripon* had understood that the motion was to be made as an amendment to the Order of the day, but if the noble Viscount wished to bring it forward before the Order of the day was read, he had not the slightest objection to offer to the arrangement.

Viscount *Melbourne:* I think the course I propose will be more convenient, and therefore, with the permission of the House, I will proceed. If the resolution which I am about to submit to the House be carried as a substantive motion, it will, of course, have the same effect as if carried as an amendment; but in again bringing under the attention of your Lordships a subject which has been so repeatedly discussed, and so recently debated, it would be unpardonable in me if I were to urge any topic upon your Lordships which I do not think necessary to explain my own conduct, or to have an effect upon the decision of your Lordships. It is hardly necessary for me to declare that I mean to bring forward this resolution as calmly and impartially as I can, without any party allusions, or any party object whatever, and without indulging in any observations of a criminatory or recriminatory character. My noble Friend opposite, who opened the debate last night (the Earl of Ripon), in the course of his speech, divided the subject into two parts: first, the question whether there ought to be any duty whatever on the importation of food; and secondly, if that question should be decided in the affirmative, under what regulations a duty ought to be imposed. Strictly speaking, it is only with the second branch of the question I have to deal. At the same time it is, doubtless, necessary for me to make a few observations upon the general question in vindication and explanation of my own opinions. The question to which I now refer, is one which has been much discussed throughout the country, and has deeply interested the feelings of the people, namely, the question as to whether there should be any duty at all upon the importation of corn, or whether it ought not to be allowed to be imported free from all parts of the world. I am a warm friend to the principles of free-trade, but I am not so friendly as others are to the immediate and decided recognition of those principles in the present circumstances of the world. I certainly think that, from the beginning, it would have been a far better arrangement for the human race if every nation had cultivated only the productions for which its own climate was fitted, and only such manufactures as the industry and skill of its inhabitants are calculated to produce with advantage, and had bartered those productions for others which other nations could produce more advantageously. That is a view of the question which is supported by all reason, all argument, and all regard for the general interests of the communities of the world; but I cannot conceal from myself, that all custom, all usage, all practice, all law, all national institutions, and consequently almost all feeling, have been on the other side; and the consequence is, that whilst the principle of free-trade is generally admitted to be correct, yet the feelings to which I have adverted have got such strong hold of the public mind that, though there are to be found persons ready enough at public meetings to profess their admiration of free-trade, and to sign petitions in its favour, nevertheless these same persons, in conversing about the taking off of any particular duty, invariably consider the question solely with reference to the interests of the home producer of the article to which the duty applies, and without any regard to the interests of the consumer. There is a strong public feeling upon the subject, and that is the difficulty with which we have to deal in introducing and carrying into practice the principle of free-trade. With respect to free-trade in corn, I wish to say that I certainly am not prepared to adopt the resolutions about to be proposed by my noble and learned Friend (Lord Brougham), and for that I will presently give my reasons. I will now, however, advert to some arguments which are advanced in justification of protecting the agricultural interest, and particularly to one which has a great effect upon the minds of many persons, as, I confess, it once had upon mine—I mean the argument founded upon the exclusive burdens said to be borne by agriculture. Upon full consideration, I think that is no reason for maintaining the present system. I will not now stop to inquire whether the alleged exclusive burdens really exist; but I say, that if they do exist, we ought to compensate the landed interest in some other mode, and that they form no sufficient reason for inflicting upon the community generally the evils attributed to the Corn-laws. Nor do I think there is much weight in the argument that we should be independent of foreign supply. We find, if we go back to ancient history, that it was not acted on in former times. The great and powerful states of Athens and Rome were both of them, and Athens more particularly, dependent on other countries for a supply of corn, and the great orator, of the former, in that oration of which my noble and learned Friend (Lord Brougham) has lately given a translation to the public, lays down the principle, that to all mankind his countrymen must look for a supply of corn. And if you say, that the splendour of Athens was of a transitory description—and that her great power quickly passed away—what can you answer in the case of Rome, the most strongly established empire, and the greatest monument of human strength, wisdom, and power, that ever existed on the face of the earth? I dismiss those examples, with the remark that the decadence of those states can in no respect be ascribed to their dependence on foreign countries for a supply of food. My noble Friend (Earl Ripon) argued last night that, supposing the increase of the population to go on as it proceeded, we could never rely on foreign countries for giving us a supply of food adequate to the wants of the population. I should say the situation of foreign countries is far more a subject for complaint, as they are rendered dependent upon us. I take it the tradesman is a good deal more dependent on the customer, than the customer can possibly be on the tradesman. And in the same way, those who sell are much more dependent on those who purchase than the purchaser is on them. As I fear that no regulations between mankind can prevent those differences and feelings between nations which unfortunately cause quarrels, and ultimately lead to war, I should say that nothing is better calculated than commercial relations and mutual dependence for the produce of each to prevent war in the first instance, to mitigate its evils when it does occur, and to bring it to a speedy conclusion. Well, then, my Lords, it may be said, "With all these arguments in favour of free-trade, why are you not for it?" I shall state very shortly the reasons. I should be for it, if I could place any confidence in the arguments of my noble Friend (Earl Ripon) last night, that the supply from foreign nations must be very small and inconsiderable. I own it is not that I fear that we shall get too little. My noble Friend maintained that we should get but a small supply, but still a supply sufficient to depress agriculture, and to throw land out of cultivation, without relieving the wants of the community. I think that the demand and supply would soon adjust itself in a satisfactory manner. But, I admit, my fear is, that foreign countries would not send too little, but that they would send a great deal too much. I have read something on this subject. I have listened to the arguments which have been urged respecting it. I have looked into many pamphlets and documents which treated of it; but, I own, I cannot find a resting-place for the sole of the foot—I cannot find any sufficient foundation for the assumption, that we could not hope for any considerable supply from other countries. A noble Lord delivered last night a very able argument on this subject, in which he stated, that if he could believe that foreign nations could send as much corn, and at such a price, as to displace the whole of the corn grown on our poor lands, or a great part of it, he should be in favour of such a change. That is the real question—how much corn can you get from abroad, and at what price? I do not believe that question can be answered beforehand. It can only be ascertained (and I am not in favour of trying it now) by making the experiment. The noble Lords opposite will, I am sure, agree in the principle that this is not the time to shock public opinion and feeling on this question, and which I certainly take to be this, that it is not safe at once to do away with all protection. This is the proposition which has been relied on throughout this discussion. Well, then, the question remains, how we may best regulate that protection. I have no question whatever in my own mind that the best course on this subject is the imposition of a fixed duty; for the sake of the certainty it will give to trade, and the removal of all the restrictions which at present impede it. It will give an equal amount of protection to agriculture, it will be more productive in point of revenue, and it will avoid all the frauds which it is alleged have taken place with respect to the averages. I know it has been said, that those who have examined this subject are convinced that frauds have not taken place to the extent alleged. However, it is certain, that a very strong opinion prevails on the subject, and that very great discontent was the consequence. If fraud has existed, it will put an end to it, and if it does not prevail, it would put an end to what is very nearly as injurious as fraud itself—namely, the suspicion of its existence under a system to which no certainty can belong. But, throughout the whole of these discussions I think it has been admitted, that a fixed duty would be more favourable to trade. But, then, says the noble Lord who spoke with so much ability last night, "After all, the principal objection to a fixed duty is, that it cannot be maintained when corn rises to a high price." Now, the answer to that is, that it never would rise to so high a price as was supposed. No man certainly can answer what the price may be, but at the same time it must be admitted, that under the system I propose, you would be more likely to have a certain and steady price of corn than under the present. Why cannot you make the attempt to solve this difficulty by maintaining such a system? You have maintained a system infinitely more objectionable. Why not change it for one founded on the grounds of sense and reason—much more prudent and rational, and free from the objections which can be urged against the present scale. The people of this country have great power and influence. They have made no rash use of the weapons in their hands. Their efforts with regard to this law have been hitherto marked with great prudence, though sufficient pains were taken to excite them on the subject. All these appeals have failed, and I do not believe that if there was a bad harvest immediately after such a change as I propose, and that there was temporarily a high and distressing price of food, that you would have any more difficulty in maintaining the fixed duty than you have in preserving your present scale. I know very well that great attempts might be used to inflame the public mind; but I do believe the people would be found fair and reasonable, and that you might adhere to the new system. I have not stated the amount of the duty I propose. I merely call on you to affirm a resolution, that the change I submit would be more advantageous to trade and the general welfare of the community. I have not inserted the amount of duty, because, in the first place, it is contrary to the usage of Parliament to do so in this House; but my opinion is in favour of the amount of duty proposed by the late Government, and which, if it had been entertained by the representatives of the landed interest in a friendly spirit, would have given a far greater hope of all differences being compromised, and a final settlement arrived at, than the proposal which is now submitted. I much fear that the opportunity for conciliation is passed. The grounds on which I recommend this bill appear to me clear and intelligible. I recommend it, as it will have the effect of preventing fraud, and the suspicion of fraud; and I recommend it generally as a great improvement on the present system. I make this motion, and I move this resolution, with reference to the past, with application to the present time, and with the prospect of the future. With reference to the past, in justification of the Government which brought it forward: with respect to the present, because I think it the best course that can be adopted; and—though I have little hope of being able to induce your Lordships to accede to it—with respect to the future, I have a perfect confidence that you will one day sanction it, and that it will become the law of this country. The noble Viscount concluded by moving the following resolution:—

"That it is the opinion of this House that a fixed duty upon the importation of foreign corn and flour would be more advantageous to trade, and more conducive to the general welfare of all classes of the people, than a graduated duty varying with the average of prices in the markets of this country."

The Earl of *Ripon* said, that the manner in which his noble Friend had introduced his resolution to the House rendered it unnecessary for him to trouble their Lordships at any length on the proposition which his noble Friend had submitted for their Lordships' consideration. Nothing could be more fair, nothing could be more candid, or more reasonable, than the mode in which his noble Friend had brought his resolution forward; but, at the same time, he could not forbear from impressing on their Lordships how exceedingly unwise and imprudent it would be in their Lordships to accede to that proposition. In the course of last night their Lordships had rejected propositions, the object of which was to stop the progress of the present bill. They had not only done that, but they had by a specific vote in favour of the second reading so far confirmed the principle on which the bill was founded. The present proposition of his noble Friend went the length of calling on their Lordships to rescind the vote they had already come to, for the purpose of adopting an entirely new principle for the purpose of regulating the trade in corn, though his noble Friend had, at the same time, abstained from giving their Lordships any glimmering of the mode in which he proposed to carry his resolution into effect. He did not think that their Lordships could be prepared, in reasonable consistency, to agree to that resolution. What would be the first effect of the carrying of that resolution? If his noble Friend succeeded in passing his resolution, then there was an end of the bill before the House; and their Lordships would be giving a triumph to the noble Earl (Earl Stanhope), who last night in vain tried to extinguish the bill. And when the present bill was thus got rid of, their Lordships would be no further advanced on the subject. Every body admitted that some measure with regard to corn was necessary. All, but a very few, whose number last night did not exceed seventeen, conceived it to be necessary to come to some settlement of this question. But suppose their Lordships were to determine that his noble Friend's proposition was a wise one, and that the present bill ought to be extinguished, they would still leave the existing law, with all its deformities, whatever they might be, in full force, and what ground would their Lordships have to anticipate that they would be, in the course of the present Session, or at any period that could be named, in a condition to alter the law, even according to the views of his noble Friend? He was, therefore, of opinion, that no possible practical result of any beneficial kind could follow from the adoption of his noble Friend's resolution. At the same time he should not wish to put his objection to the resolution on the mere ground of technical inconvenience in reference to the actual state of the question. He confessed he did object to his noble Friend's proposition on principle. He believed that it would not be found to effect its object; that it was liable to great practical difficulty and evil in its execution. He thought it would not relieve the country from any inconveniences which might be alleged to belong to the present system. On the contrary, he believed that it would be found, in some respects, to aggravate those evils, and its disadvantages would more than counterbalance its advantages. His noble Friend said he declined entering into any details, or stating any specific plan, but that he remained attached to the scheme proposed by his own Government last year, which went to the imposition of a protective duty of 8*s*. His noble Friend, in the course of his speech, had stated many good reasons, though he had at the same time thrown overboard some equally sound arguments, for objecting to what was called a free-trade in corn. Therefore, he said, that his fixed duty was to be established on the principle of protection; but he had never told the House on what ground it was, that he conceived that a permanent duty of 8*s*. would or could give the necessary protection. To propose a duty which would not give the protection which the noble Lord admitted to be indispensably necessary was worse than useless. It would mislead those for whose benefit it was intended. In his opinion a permanent fixed duty of 8*s*. appeared in the present state of things no protection at all. If they adopted the principle of protection, they must assume this—that up to a certain point protection was really prohibition. On what ground, then, was the amount of protection to be calculated? The basis of the calculation must, he conceived, be a combination of the price at which the article might be introduced from foreign countries, and the price at which it could be produced, in an adequate amount, in this country. If the price at which foreign corn could be imported into this country upon an average of years should be 40*s*., and if the remunerating price here (whatever difficulties might exist in precisely ascertaining the particular amount) should lie between 56*s*. and 60*s*., it was manifest that a duty of 8*s*. was no protection at all; and it would therefore be a delusion to offer to the growers of corn a protection which, in reference to the remunerating price here, would end in being no protection at all. There was another objection to this plan of a fixed duty which in his mind appeared insuperable. He did not deny that there was a simplicity and uniformity of operation in fixed duty which recommended it as a general principle in any other matter except one of such vital consequence as the food of the people. This, he repeated, was a subject of such vital consequence that it seemed to be exempted from the ordinary principles which governed commercial matters. He believed, indeed, that this fixed duty would be no protection at all at the time when protection was essentially necessary, namely, when prices here were very low. No one, of course, presumed to complain, or to insinuate the most remote shadow of complaint, against a low price of corn, if it arose from the bounty of Providence and the abundance of our own production. But if it were not so produced, but occasioned by an abundant supply, which might not be wanted, poured in from other countries, then it would create that discouragement which the noble Lord was anxious should not be given to the agriculturists of this country. The noble Lord said there was something advantageous to the operations of commerce in a fixed duty, which did not belong to the graduated scale of the present law. But their Lordships must argue this question on principle, and not on the mode in which his noble Friend wished to apply it. They must argue it on the principle that the protection to be given must be sufficient. If, then, the protection was to be sufficient, it must be of such an amount as would insure to the growers of corn a reasonable prospect of being able to obtain that which was held to be a remunerating price. His noble Friend could not escape from this question of a remunerating price, and it must be one of the elements of his plan. If the protection offered was sufficient to insure, as far as any law could, a remunerating price (though, in his opinion, no law could insure it, and he never proposed any Corn-law for such a purpose, but with the view of not admitting foreign corn when prices were low in this country), still prices might rise so high as to make the protective duty of 8*s*. a grievance. His noble Friend said, that there could be no difficulty in maintaining the duty; and that he was confident that the good sense of the people would not object to the fixed duty when prices were high, in consideration of the advantages which he presumed they would get from it when prices were low. But would it not be most imprudent to act on such a reliance? His noble Friend had not shadowed forth even the most misty view of the mode in which he was prepared to meet the case of prices rising very high, but he seemed to anticipate that it would then be necessary to take some measure to put an end to the duty. If this were so, the duty was not a fixed one; but something which vanished—something which was extinguished by a necessity, and it wanted the essential quality of a fixed duty—that of being unchangeable. By the way, his noble Friend had let out that he might have been disposed, if circumstances had been favourable, and if the agricultural interest had been a little more squeezable, to have offered them a greater protection, say 12*s*. or 14*s*. [Viscount *Melbourne:* I named no sum.] No, the noble Lord named no sum, and there was the ingenuity of his proceeding; but that constituted a reason why their Lordships ought not to agree to a proposition about which they knew nothing. What did the noble Lord propose to do when corn rose so high that it would be impossible to maintain the fixed duty? He had not told the House that the law which he proposed should enact his principle would contain in itself any provisions which would meet this case. Was the remission of the duty to be dependent on the will of the Government? Was it to be an act of authority on the part of the State? If so, where was the certainty on which the framer of the resolution had so much relief? At one time an Administration might think a certain price exorbitantly high, which at another time another Administration might deem a moderate price. Thus, instead of having a law which everybody might watch, and the operation of which might be foreseen by every one, the people would have to calculate on that which they could not foresee—namely, the disposition of the Government for the time being to deal with the question according to their own opinions, or according to that pressure from without which might force them against their better judgment to withdraw the duty. What was the objection to the graduated scale? The great rapidity in its changes, and the inducement thereby held out for parties to speculate, and unduly influence the averages. But the noble Lord's plan would produce a much greater rapidity of change. There would be a change from 8*s*. to nothing, and back again from nothing to 8*s*. The whole plan would be from the beginning to the end a matter of uncertainty; consequently this principle of a fixed duty could not be made to work satisfactorily; and it did not appear that the graduated scale, the intrinsic abstract justice of which the noble Lord had not denied, could be less satisfactory to the producer, and less calculated to give relief, as regarded time, to the consumer, than the other plan of a fixed duty, if established on the principle of protection. If the noble Lord were to say that, instead of giving a duty for protection, he would impose a moderate duty for the purpose of revenue, which would have little or no effect on the price of the article, he could understand, though he should object to the principle, that it would not be liable to the particular objections urged against a fixed duty given for protection. It did appear to him that the plan of the fixed duty had none of the advantages which the noble Lord ascribed to it; for it would leave every thing in a state of uncertainty. Nobody would know the amount of protection under a fixed duty, and they would have at an early period to do again that which some noble Lord said they must do again if the bill now on the Table passed,—namely legislate anew on the subject. It was possible they might have to legislate again. No persons supposed that any law would last for eternity, except those foolish people the Medes and the Persians; and something had fallen from the noble Lord opposite, from which it appeared that he did not look upon his proposition as one that he could permanently maintain; because he said, that in regarding the various considerations which led him to object to the motion of a noble and learned Lord, he did not think that the state of things now would warrant the absence of all protection. The use of the word "now" in connexion with the plan which the noble Lord proposed was an argument of its instability, and brought him to the conclusion that those who thought that protection must be given to agriculture would, of necessity, vote against his resolution.

The Earl of *Clarendon* said, as he had long been convinced of the great and increasing evils of the Corn-laws, he was desirous, not only of stating the grounds of that opinion, and the reason why he supported the resolution of his noble Friend; but also of congratulating the House and the country upon the time having at length arrived, when by the common agreement of all parties, with the exception of seventeen noble Lords who voted last night with the noble Earl, some change had become indispensable, and an adherence to our present system into all its train of attendant misfortunes, was no longer looked upon as possible. He only wished he could also congratulate the House upon the bill which his noble Friend had last night introduced, being calculated to satisfy public expectation, or alleviate the unparalleled distress under which so large a portion of their fellow-countrymen were labouring; but it appeared to him, that it no more required the noble Duke (the Duke of Buckingham), to make the sacrifice, (and a painful one it was, no doubt, to him), of abandoning his colleagues on the eve of the meeting of Parliament, than it justified the visions of ruin and revolution which the noble Earl Stanhope conjured up, and compared to which he insisted that the horrors of the French Revolution were but "milk and water." His noble Friend, (the Earl of Hardewicke) had proved last night in the clearest manner that this measure would not deprive the agricultural interest of an atom of the real protection which they now enjoyed, and would not abate a single one of the evils with which the present Corn-laws are chargeable. He rejoiced, however, at the introduction of this measure, which he looked upon as a great and important event, because it was an abandonment of all those positions hitherto held by the party now in power, but which they had deserted in order to seek others from which they would be still more easily driven. The positions upon which they last year, in opposition, took their stand were, that the Corn-laws worked for the good of the community—that they gave no more than the just protection to the farmer—that they secured to the country a sufficient supply of corn, and that they prevented fluctuation in price, and dependence upon foreigners. All these had now been abandoned, and the real benefit to be expected from the measure was to be looked for in the debates which had taken place upon it; they were altogether composed of concessions on the part of those who introduced and supported the bill in the other House—it was now discovered, that the protection was excessive and unnecessary—that the fluctuation in price was great, and ought to be diminished—that the supply of food was regulated by gambling, and that between two and three millions of persons, more than one-tenth of the population of England and Scotland were absolutely dependent upon foreign countries for the bread they eat. Now, no argument had been more used in that House, than that we should be independent of foreign nations for our supply of corn, in total disregard of the fact that of all countries, this was the one most dependent on other nations, and that this very dependence was one of the chief sources of our greatness and power. Were we not dependent upon foreigners for the 50,000,000 worth of British manufactures and produce that we export annually, at least half of which is paid in the wages of labour. Without the manufactures that we export, how could we import the raw materials necessary for them—the cotton, the silk, the hemp, the timber, the wine and oil, and tea, the very necessaries, as well as luxuries of life? Could we maintain our three millions of tons of shipping, if we were independent of foreign nations? Did not the existence of the navy itself depend upon foreign nations? And yet, whenever the question was raised of how we could best import a certain quantity of foreign corn that we must have, and which is over and above what we can produce, we are then always told that we ought to be independent of foreign nations. As a noble Earl (Earl Winchilsea) had said, we ought not to be dependent upon a country which, at any time, owing either to political circumstances, or to domestic, or fiscal regulations, might interfere and deprive us of what we wanted when at the time of our utmost need. But the true way to be independent of foreign nations, was to have commercial relations with them all; far better was it to be constantly dependent on all than to be occasionally dependent upon any. Then we could reckon on a regular supply for our wants; then we might reckon on a regular demand for our manufactures; then we might guard against that drain of gold and derangement of the monetary system, which, only three years ago, brought the Bank of England to the very verge of insolvency, and that national calamity would beyond all question have occurred but for the assistance afforded by the Bank of France—an instance, by the way, of the use of being dependent on foreign nations. But above all it was in that mutual dependence among nations which the provisions of nature point out as clearly as we are permitted to comprehend anything of the intentions of the Almighty that we shall find the surest guarantee for that greatest of blessings, the maintenance of peace, which to us is a mark of first necessity, and which would be cheaply purchased by any sacrifice short of national honour; and in illustration of what his noble Friend (Lord Melbourne) had said upon that point, he might cite the events which had occurred in Canada four years ago. Their Lordships would recollect, what was the state of matters then upon the Canadian frontier. They would remember the crowds of "sympathizers" which swarmed upon the American side; they would recollect the impotence of the American government to maintain order or to enforce the law; they would remember the case of Mr. M'Leod, and the manner in which he, a British subject, had been thrust back by a furious rabble into the prison from which by the law of the United States he had first been liberated; they would remember the language held by the press—the language uttered in Congress—the excitement which prevailed throughout the states, and the eagerness apparently uncontrollable for the blood of that unfortunate man; and he would ask them, remembering all these occurrences, whether there did not appear every chance of a war between the two countries breaking out? He would ask also why it did not take place, why it was never seriously apprehended, why no preparations even were on either side made for the oncoming catastrophe?

The answer was to be found in the word "commerce." It was to the fourteen millions worth of raw materials which we imported from America, and the still greater amount of manufactures which we exported to it that we were indebted for the preservation of peace. It was owing to the mutual dependence of England and America (and long might that dependence continue!)—and the impossibility in which each country knew itself to be of doing without the other that both, without the slightest degradation, without the shadow of a stain upon their national honour, tacitly, he might almost say instintively agreed to compound their differences, and refrained from inflicting upon themselves the ruin and calamities of war. He had alluded to these facts as illustrating the observations of his noble Friend, as he was certain there could be no instance more striking of the benefits of mutual dependence; but he maintained, that this country could not reap all the benefits which would accrue from such a system as long as a graduated scale of duties should be maintained on the introduction of that first great necessary of life, the food of the people — which his noble Friend (Lord Ripon) had justly characterised as the most important subject that could command the attention of the legislature. There was no country with which Great Britain carried on a more extensive trade than with America; there was no country, the continuance and increase of the trade with which, was more easy of attainment than with America, if we took but the proper means for it while they were yet in our power—while Americans were yet the producers of raw materials, and we of manufactured commodities—while in short we were mutually necessary to each other, and before we compelled them as we did the Germans twenty years ago to become manufacturers by our obstinate refusal to take for our productions the only commodities they had to give in exchange. But we excluded ourselves from commerce with the corn producing states of America by means of the graduated scale of duties exactly as we should with the Southern States if we applied a sliding-scale to the importation of cotton. His noble Friend had stated last night, that we could not reckon on any supply from these states? And why? Because our markets were entirely closed against them. If we admitted their corn, there was evidence to show, that we might expect large supplies from those countries. It was of these prohibitory laws that America complained. They complained of these enactments, and justly said, that the treaties by which we were bound to place them on the same footing with more favoured nations, were evaded; yes, and they would continue to be evaded, until the three months which it took to bring cargoes from America should be made equal to the three weeks' passage from other countries, as far as regarded the chance of finding the duties the same after the expiration of the longer period, which other parties had of finding them similar at the end of the shorter time. In August last, the duty on wheat was 22*s.* 8*d.*; in September, it fell to 1*s.*, and in five weeks was again up at 22*s.* 8*d.*; and the few shipments made in New York arrived in this country after the duty had regained its prohibitory point, in consequence of the quantity of corn poured in from the countries of Europe, and which derived an advantage from which America was excluded. This was an instance of the injurious effects of the sliding-scale on our commerce with distant countries, and it must be remembered that our remittances to the United States in payment of corn, would be almost entirely made in manufactures; whereas for the corn received from the continent, bullion was almost always demanded in return. Now, suppose America were to adopt the sliding-scale with reference to our manufactures, and to admit our cotton fabrics at a rate of duty varying with the quantity produced in their own country—what would be the consequence? Our trade in the article would absolutely cease. None would make shipments under such circumstances, when the amount of the duty, which might be exigible when the goods arrived at their destination, was utterly unknown. And yet this was the system which was adopted with reference to America; the consequence was, that no corn was grown for our market—none was brought here and we deprived ourselves of a trade which would support and give employment to thousands. A noble Lord had asked what were the mischiefs of the sliding-scale? He had pointed out some of them with reference to distant countries, and a repetition of them would probably take place this year, for as long as the sliding-scale was maintained, so long will there be no natural exchange of foreign corn for British commodities; by that he meant, that the trade can be upon no regular nor natural footing and no previous preparation can be made to meet it in the ordinary course of commerce. One year we might want ten times the amount of corn that we did the year before; but this would not create in other countries a corresponding demand for our manufactures. The corn, however, must be had, and it must be paid forin the only commodity available for the purpose, which was in bullion. Neither could any modification or form of the sliding-scale produce regularity of supply from abroad; the foreign grower cannot cultivate his land for the English market as the manufacturer here produces goods for a foreign market, our demand is sudden and unexpected; the price rises by our competition, and if it be true as it is generally said, that a short harvest here usually takes place when the same happens on the continent, it follows, that the foreign supply is deficient in the market to which we have restricted ourselves and thus, by suddenly raising the price of the food, which we must have, we inflict a grievous injury upon ourselves, and are an absolute curse upon the countries from which we draw our supplies; and by the very arrangements which we make for rendering ourselves independent of all foreign countries, we secure our dependence upon a few, and that on terms most onerous to ourselves. Now, to not one of those evils did the bill before the House propose to apply any remedy, yet her Majesty's Government must be well aware of the character and extent of those evils, otherwise why make any change in the law? It could not be merely for the sake of that occasional revision of laws to which his noble Friend had alluded last night, which in other words, would be a premium on constant agitation by giving the people to understand that there is nothing settled nor final in the laws which most affect them. Surely the Government must be aware, that in the words of Mr. Alexander Baring, in one of his many admirable speeches in the House of Commons upon the subject,

> "The Corn-laws are intimately connected with the progress of manufactures; that they are to be found in the beginning, the middle, and at the end of every question in which the price of labour entered."

Surely the Government must have felt as Mr. Huskisson felt, that if the price of subsistence, *i. e.* the price of all those particular articles which we do not export, but are compelled to import, be materially dearer here than elsewhere, that dearness cannot be shifted to the articles which we do export. It must fall in the way of deduction either upon the wages and comforts of the labourer, or upon the profits of those who give him employment. The Government must have felt (and the new tariff affords proof of this) as all practical and reflecting men have long felt, that the protective system affecting as it does every branch of our industry—paralyzes our national resources, and is fast drying up the springs of our national prosperity; yet, if such considerations have had any weight with her Majesty's Government, how could they expect that a bill built upon the ruins and animated by the principle of a law which they had deserted—how could they expect that it would be more defensible or more durable; the Government must know that the prices of food, like all other prices, were independent of legislation, and they had seen, with the present law, prices vary from 39*s.* to 90*s.* per quarter. But the measure which was proposed would not take the corn trade out of the hands of speculators, but it would, like the present law, serve the interests of the continental corn-grower and the English corn-jobber. These men desired nothing better than the continuance of the sliding-scale, and dreaded nothing so much as a fixed duty and the competition of the whole world in our markets, to which it would expose them. He had no hesitation in avowing himself opposed to all protection as a system. While he desired to see duties imposed for revenue, he did not by any means advocate the withdrawal of all protection from the agricultural interest; and he thought that the experience of the last few months had fully proved the expediency and the soundness of the measure which the late Government proposed last year, it would have been good for the consumer beneficial to the revenue, and whatever they might think to the contrary, he was sure it would eventually have proved the best measure of protection to the agriculturists. The consumer would have had his supply much earlier in the year, and as soon as it was necessary, instead of having to pay from 80*s.* to 90*s.* a quarter for the best English wheat at a time when a million and a half quarters of foreign corn were locked up in bond waiting for the inevitable fall of duty. The revenue would have gained about 1,100,000*l.* instead of 570,000*l.*, not one atom less corn coming in on account of the duty, for after paying it, there would have been a great profit to the importer, whereas the knowledge that the duty must fall by the operation of the sliding-scale, so raised the price of wheat at the Baltic ports, that we just gave a bonus of 20*s.* a quarter to the foreigner or the jobber; for while the duty here fell from 24*s.* 8*d.* to 1*s.*, the price of wheat at Dantzic rose from 40*s.* 6*d.* to 60*s.*, and this took place upon nearly a million of quarters in the month of September; and the consumers here actually paid a million sterling more than was necessary for the corn; that sum of money was absolutely wasted and thrown away. Then as to protection to the landed interest, which it is most false to say the late Government intended to withdraw, but which his noble Friend opposite (Lord Ripon) seemed to think was altogether illusory—he was convinced that, at the remunerating price of 56*s.* fixed by the right hon. Bart. at the head of her Majesty's Government, it would have been found abundant, taking into consideration the freight and charges, and rise of prices on the Continent that steadiness of demand here must have created; bearing in mind also that the average duty paid upon all the wheat imported under the present law was only 5*s.* 9*d.*—that the proposed duty would have therefore exceeded the duty actually paid by 2*s.* 3*d.* a quarter, or nearly 40 per cent. The measure would have been accepted as a boon by the whole country; it would have saved that excitement of public opinion, all that agitation of the last ten months, which have compelled her Majesty's Ministers to admit the necessity of a change, and to bring in a bill which, while it unsettles and alarms, and will effect no good, is still at their hands a most important concession. The measure of last year respecting corn resembled the question of East Retford and Bassetlaw, as regarded Parliamentary reform: both were timely measures, such as public opinion demanded, and would have been satisfied with; and if those places had been disfranchised, and representatives given to Birmingham and Manchester, schedule A might have been averted for many years; so, if the 8*s.* uniform duty had been adopted, agricultural protection might have been reckoned upon for a much longer period than it now can be; but the present Government had dealt with the Corn-laws in the spirit with which they met the question of reform, rather than with the vigour and manliness which characterized the abandonment of all their former opinions with respect to the Catholic question. The landowners might at first have thought themselves aggrieved by an 8*s.* duty, but they would have found that it afforded them ample protection, and the question would have been set at rest for several years at least; but could they say as much for the bill now before the House?—could they look upon this bill, when it has passed into law, as safe for the next five, or four, or three years?—could they believe that every evil complained of under the present law would not equally occur under the future law, or that the same means that had been resorted to for shaking off the old law, would not be adopted, and with the same success, to get rid of the new one?—could they doubt that the whole system of protection had now received its death-blow, or that it could survive the announcement of the right hon. Baronet, that the cost of living was so much increased by it, that, by a trifling reduction of it, the tax on income would not be felt, and its odious character be forgiven? And if the landowners did not, as they could not doubt all this, let them ask themselves whether the next concession will not place them in a far worse position. This bill, however, was framed on no solid basis, and effected no finality; it contained, therefore, within itself the germs of future improvement, and he had no doubt that the next law for regulating the importation of corn, which the Government introduced, would be one better adapted to meet the necessities of the people. He only hoped it might not come too late; for our position was most critical. The industry, and capital, and skill, and stupendous powers of production, of this country, forbade us to despond, but our position was still most critical. The appalling distress which every where prevailed was of no temporary character; he wished he could believe, as it had often been stated in that House, that it were attributable to overproduction, or to the failure of the American banks, or to any of those fluctuations incidental to trade and manufactures; but he feared it was attributable rather to the change of circumstances that had been rapidly taking place—to the springing up of manufactures in Germany and Switzerland, and to the States that twenty-five years ago hardly existed;—to the active competition we now meet in all the markets of the world, and to the spirit of hostility in other countries towards our trade, that has been engendered by our own restrictive system. It was a total change of this system, which should give employment to our industry and create markets for our produce, that was now indispensably necessary. It was only by wise, and prompt, and vigorous measures of commercial reform that the future prosperity and greatness of this country could be effectually secured; and it was because he believed that an uniform duty upon the first necessary of life would be a most important step towards the accomplishment of that object—because he believed that it would create a regular and profitable trade, and that, while a due protection would be afforded by it to the landed interest, it would, at the same time, by means of competition, give the most effectual stimulus to the skill and industry of the British agriculturist. It was upon these grounds that he cordially supported the resolution of his noble Friend.

The Earl of *Wicklow* might have experienced some difficulty in disposing of his vote on the discussion of the previous evening if he had entered the House. He believed that nothing could be more injurious than to excite hopes in a country by the changing of a law which would not be gratified by the success of the alteration proposed. It was the expectation of the country that the bill before the House would reduce prices, and he should be very sorry that these expectations should be disappointed. He would not support the bill on the grounds of his noble Friend, who had trusted that it would become an established and permanent law. The present measure would never become a permanent law. Law after law had been enacted for the purpose of reducing the prices of food, and he believed that the present measure would prove a stepping stone to still greater changes. It would prevent that too sudden alteration which his noble and learned Friend's resolution of last night went to establish, and it would prepare the agriculturists gradually for greater changes. Laws had been enacted for the purpose of keeping corn at 80*s.* and 90*s.*; they had been altered; other enactments had been introduced; and he would ask—had the agriculturists suffered by the change? Agriculture was now in a greater state of prosperity than it was when prices were far higher; and he thought that the result of the present bill would not be to interfere with the interests of the farmer. On the contrary, he believed, that by this gentle mode of descent, they were enabled to try to what extent they could make reductions without injuring the agriculturist. But the arguments of his noble Friends on this side of the House had not operated on his mind in giving the vote which he had recorded. The arguments of a noble Baron connected with Essex (Lord Western), it was true, had a considerable effect in influencing him; but these arguments were intended by the originator to influence him to pursue quite an opposite course. That noble Baron had said, that the agriculturists of England were able to raise produce quite as cheaply as even those of any other nations. He hoped that the noble Lord was correct in that statement, and if such was the case, did it not constitute a strong argument in favour of the measure and against the proposition of high duties and high prices which he meant to support? But he (Lord Western) had added, if it were not for the taxes with which the people were burdened. He might appear to be a bad political economist to the noble Lord, but he was sure that taxes had no concern with the matter. Taxes were borne by the wealth of the country; and by an increase of wealth, which would spring from increase of commerce and manufactures, the weight of taxes could be best reduced. If, indeed, the whole of the taxes fell on agriculture, there might be some weight in the arguments of the noble Baron; but, as taxes fell upon wealth, it would be the duty of Government to apportion the burden equally. He would now advert to the question between the sliding-scale and a fixed duty, or, as a noble Lord (Earl Stanhope) had expressed it, between having his head chopped off by a guillotine or a hatchet. The noble Lord had stated that he should not care which mode of operation was adopted in his own case; but for his own part, he thought that there was a very great difference. He would certainly prefer the well-finished, highly-wrought instrument that was well adapted to the object in view, rather than the rude uncouth instrument, caught up on the moment, and intended, perhaps, as much by its employer to defend himself, as to be applied to its legitimate purpose. But between the two modes of levying duty now under their Lordships' observation, he could concur that there might be great differences of opinion, because opinions would differ according to the object principally kept in view. If that object was to increase commerce, to promote manufactures, to increase our communications with other countries, a fixed duty would be the better measure. Under its influence trade would be more fixed and regular. But, on the other hand, if protection to agriculture were the object in view, and that it is so is admitted by all, the noble Viscount stated it to be his object in his measures of the last Session; then that would be best attained by means of the sliding-scale. Under it agriculturists would feel more secure. Its operation, as regarded their interests, would be more certain and efficacious. It was then clear that the present measure would give more protection to agriculture than that proposed by the late Government. With respect to Ireland, he had often heard it stated in discussion upon the Corn-laws, that even although individuals would be ready to give them up as regarded England and Scotland, they thought they must keep them up for the sake of Ireland. Now, if he believed that the proposed alteration would have the effect of injuring Ireland, he would be bound to vote against them, not only from his connection with that country, but from a consideration of the way in which she had been treated by this country, not lately, but at the most critical periods of her history. He felt that Ireland had been reduced by this country to become solely an agricultural nation. If she had been fostered and fairly treated at the time she most needed it, she would now be a source of wealth and credit to Great Britain, instead of being, as she was, a millstone round her neck. But, reduced as she was by the policy of Britain, it became the bounden duty of Britain to protect her; and if he thought that the measures proposed would have any evil effect upon her interests, no argument could induce him to accede to them. But he did not believe, that from the proposed measure any portion of the kingdom would suffer less than Ireland; those districts would suffer most in which skill and capital had been employed in bringing poor land into successful cultivation. But such had never been the case with Ireland; the fruitful soil of that country, to which neither skill nor capital had been applied, was particularly fitted for improvements, of which it was impossible to foresee the limits, and the more prices fell here, the more capital and skill was likely to be employed in Ireland, in order to make up in quantity for the diminution in the price. Allusion had been made to the decrease in the exportation of wheat from Ireland for the last three years, as a proof of the growing prosperity and increasing comforts of the people. But the fact was, that the seasons for the last three years had been so very bad, that little corn fit for exportation had been grown, and it therefore became necessary to apply it either to the use of the distillers, or for the support of the poor. The former mode failed in consequence of the closing of the distilleries, and consequently the use of wheat became more prevalent amongst the lower classes in Ireland. At least, from the causes he had heard stated, it was much more used than it had been before. It would make him very happy to think that it should become much more used than it had been; but it was not from the cause which his noble and learned Friend had supposed. He had often stated to his farmers, when he heard there was a bad wheat harvest, that he considered it a favourable circumstance for the poor, because it would keep the wheat in the country, and it would be rendered cheap for their use. There was, however, one circumstance connected with these measures which he very much deplored, namely, the duty proposed upon oats. He regretted that the proposed duty was so small, in comparison with that which was imposed upon wheat; and his reason for saying this was, not because he wished to have the price of oats higher, but because he was afraid that there would be an inducement to the Irish farmer to cultivate wheat, and abandon the cultivation of oats, for which the climate was much better suited. The soil of Ireland was suited for wheat, but not the climate; and the consequence was, that not one harvest out of six in Ireland turned out to be a good wheat harvest. It was for these reasons that he hoped her Majesty's Ministers would consider that it would be a much better policy in them to raise the price of oats, so as to induce the people of Ireland and Scotland to cultivate it. This he believed they could have done without any danger; for there had been no clamour on the subject. The people of this country would have been satisfied with a decrease of the duty on wheat; and the sound policy, he was sure, would have been, in lowering that, to have raised rather than lowered the duty on oats. There was one other circumstance to which he wished to allude;—it gave him great satisfaction to know that this bill was to be accompanied by other measures contained in the tariff, and especially this, that there was to be a reduction in the duty on foreign cattle. Ireland was peculiarly favourable to the growth of cattle; it was so, both by its soil and climate; and there was, therefore, every inducement to turn it into a pasture country. He thought there could be no evil so great, no system so ruinous, as exciting that tendency so to apply the land in Ireland. Before the war Ireland had, for the greater part, been a grazing country. It was the high prices of the war- it was the high prices since the war, that had led, in a great degree, to the cultivation of corn. That it was which had produced a superabundant population in the country, and now that they had that superabundant population, anything that could induce the owners of land to convert it again into pasturage must become an evil that, in its results, it would be impossible to describe. Therefore it was, that when he found there was an alarm as to lowering the duty, when he perceived that there was an alarm as to a greater importation of cattle, he felt gratified —and he did hope there would be an importation of them — although he feared it would be but too soon discovered that the alarm was groundless, and that the hopes entertained on the subject would never be realised, still, when he heard of these things, he was not without hope that they would tend to improve the condition of the people of Ireland. It had been said, that the measures proposed would not have a tendency to lower prices in this country— that there were no countries on the Continent from which they could have a sufficient importation of cattle to be felt in the markets in this country. Now, when this was said, and admitting it to be true, yet there must be one most excellent effect of the tariff and the alteration of the Corn-law, which had not been sufficiently alluded to, and that must be of vast importance to the people of this country—that effect would be to increase the prices of articles on the Continent. They had often heard that the manufacturers here were unable to compete with those on the Continent, because the prices of food were so much less. It was true that the prices of food were less; but then, if they looked to the prices of lodging, of firing, and other articles, he believed it would be perceived that the artisans on the Continent were not much better off than they were here. The effect, then, of the proposed measures would be to raise prices on the Continent, and in this way to bring the artisans here nearer to a par with those on the Continent. These were amongst the reasons that justified him in supporting the measures of the Government on the preceding night, and that induced him now to vote against the proposition of the noble Viscount opposite.

Lord *Vivian*, in rising to address their Lordships, promised to trespass but a very short time upon their attention. He wished to explain the vote that he had given for the motion of the noble Baron behind him (Lord Brougham), and the vote that he then meant to give for the motion proposed by his noble Friend. He hoped that he need not state to their Lordships, that in coming to the consideration of this most important question, he had endeavoured to divest himself of everything like party feeling. The subject, in his opinion, was of too much importance to be stained by party feeling. He could assure their Lordships, that whenever he had taken part in this question, as a representative of the people, he had done, as many of the supporters of noble Lords opposite in the other House were now doing, acting against what were the feelings of their constituents. Many years ago, in consequence of alterations of parts of the tariff, his attention had been called to this question of protecting duties. His profession as a soldier, although he was otherwise much interested in it, had prevented him from giving his full attention to the matter. When then he examined the question, he was soon convinced that protecting duties were of little importance and of little advantage to those who were most protected, while generally they were a great disadvantage to the public at large. If he were right in this, what must he think of a protecting duty that raised the price of an article that was the first necessary of life in a country like this, where the population was so rapidly increasing, where the supply of labour was greater than the demand, and the supply of food was less than the demand? It would be more just, in his opinion, to fix a minimum price upon labour, than a minimum price on food. With these feelings, and having heard the speech of the noble Earl who first moved this question, and who, as it appeared to him, entertained no sort of apprehension as to any extension or freedom of trade being injurious to the agricultural interest; and having heard then the speech of the noble Earl, and recollecting that this was a question that had been agitated for 180 years, and that there had been no less than thirty-eight acts of Parliament passed respecting it, all endeavouring to come to a satisfactory arrangement; and yet finding that no satisfactory arrangement had been, or could be come to, he, with these feelings, must say, that he wished to try what would be the effect of no legislation, and this with the hope, that allowing a free importation of foreign corn would tend to the quiet and tranquillity of the country. He had the most anxious desire to see the question settled. He should be glad to see a compromise satisfactory to all classes, and he hoped it might be effected by permitting foreign corn to be introduced on a fixed duty. He thought that would be much better than the present system. He knew that there was a feeling throughout the country that the higher, or richer classes, derived a benefit from the present system at the expense of the lower classes. He did not mean to dispute the apprehensions that were entertained on this subject, as they were so very powerfully expressed in a pamphlet, published some time since by the right hon. Baronet, the Secretary for the Home Department, entitled "Corn and Currency." That right hon. Baronet expressed the feeling which he himself was now expressing. In his opinion, it was a very serious evil that had arisen out of this discussion of the Corn-law—namely, that it was possible for the agricultural and commercial interests to thrive and prosper as separate and distinct interests from each other. He had never entertained that opinion; for he thought them to be so dovetailed with each other, that the one could not well flourish without the other prospering. There were, however, intemperate advocates upon both sides, who declared that they could be two separate and distinct interests. On the one hand, it was said, that the manufacturers only looked for a free-trade in corn, in order that they might amass a larger fortune, and that they cared not how others suffered, so that they might attain that object. On the other hand, it was said, that the landed proprietors only looked to their own selfish interests; that they did not care for the happiness of the manufacturing classes, provided they could but hold their stations in society. Both assertions, he was convinced, were equally unjust and equally untrue. When the manufacturer looked for the introduction of foreign corn, he looked certainly to his own advantage, but also to that of those whom he employed, and also to the advantage of the agricultural interest. It was to be remembered, that no man ever yet could get rich in the midst of poverty, and unless manufactures flourished, agriculture could not flourish. On the part of the landed proprietors, he said, though he differed from the views of many of them on this subject, that they considered the agriculturists the very best customers of the manufacturers, and that, therefore, keeping up the price of corn was of the greatest advantage to the manufacturing classes. He was sure that their earnest wish was to do good to the manufacturing classes. He could not but think, however, that while they said this, and so felt as they said, they forgot one very important consideration, that a large portion of their manufactures were intended for the foreign market; and that, if they were unable to compete with the foreigner, their trade must decline—they themselves suffer; and if they did so, the landed interest must suffer also. If any blame were to be cast upon the present state of things, it was his opinion, that it must attach equally to both parties. At the close of the last war all parts of the world were open to their manufactures. The fault was, however, that they wished to maintain the monopoly of the war prices, and manufacturing and other interests then looked for protection. It was then that they had their import duties, and to them should they, to a very great extent, attribute their present difficulties. He was delighted now to find that her Majesty's Government were about to make alterations in the tariff. He did not complain of the right hon. Baronet for going too far on this subject; all he complained of was, that the Government did not go far enough. It did, however, appear to him, that there was some little degree of inconsistency in the proposed legislation. He asked why was the country to be now saddled with an Income-tax?—a tax of all others the most offensive, the most obnoxious, and one that, above all others, in his opinion, ought to be specially avoided. In making so great an alteration as that, and in touching upon such questions as these, he asked, why was corn excluded, or why was that second necessary of life, he meant sugar, excluded? He rejoiced at the alterations that had taken place, but then why did not the Government go further? If he might be permitted to do so, he would wish to venture to say one word in favour of a fixed duty. It had been said, what would they do with their fixed duty, supposing corn rose to a famine price? The very argument so put implied that very little apprehension was entertained, that under such circumstances, corn could rise to a famine price. It was his impression that it never would do so. In the case of the sliding-scale, they saw that its effect was to force prices up, while, on the other hand, a fixed duty would enable the dealer to go into the market and purchase at any time. The argument so put by the supporters of a sliding-scale reminded him of a gallant friend of his, who had served with great distinction in the Peninsula, and who afterwards left the army. The regiment that his friend commanded had distinguished itself at Waterloo, and meeting him a short time after, he said he was sorry he had not been present at that great engagement. His friend said, he was very glad he had not been there, because if he had he should have been killed, because his successor had been killed—his friend supposing that he should have been in the exact position which the colonel ocupied when wounded. So it was with the noble Lords opposite, that under a fixed duty there must be a famine, because there had been a famine under the sliding-scale. An advance was, however, now made. He was glad to see some progress attempted, and he hoped the Government would not stop there. He was sure they would not do so, for last year things that they were told were not to be touched—things that it was declared were not to be taken into consideration—these were the very things on which they now found new laws were proposed, and that it was now said were no longer tenable. As it had been said in the other House, and he might professionally use the same language, "the ground had been broken, the outworks had been taken, a breach had been made, the fortress of monopoly had surrendered, and the giant commerce had been set free." It was his hope to see such measures carried as would contribute to the welfare and prosperity of all classes of the community.

The Duke of *Cleveland* said, he feared from having so lately taken his seat in that House he might be deemed guilty of presumption in offering a few observations upon the subject under consideration, but he could assure their Lordships that it was with the greatest reluctance that he did so—not from any wish of his own, but from a paramount sense of duty. He feared that, after the frequent discussions of this question, in which he had taken part in the other House, if he were now to give a silent vote, it might be liable to some misconception, and he might be accused of some want of integrity in his public conduct, or default of political consistency. During the twenty-eight years that he had been a Member of the other House it had been his constant endeavour to maintain a character of political consistency, and he should be sorry now to be supposed to forfeit his title to it. On every occasion on which he had taken part in the discussion of the question, it had been brought forward, not with a view to a modification of the law, but to its total repeal—a measure which he trusted he should never see. He had always been in favour of the maintenance of the existing law, not because he considered it perfect, or the scale established by it the wisest that could be devised, but because he had apprehensions that if the ice were once broken it would be made the stepping-stone to further alterations, which would lead in the end to total repeal. He had always felt it his duty, out of regard to the interests of the agricultural classes, and not for any personal object of his own, to resist the propositions made for a repeal of the Corn-laws; but we came now to a different question. A Corn bill was now introduced on the same plan as the existing one, but with a modification of the scale. When he was first made acquainted with the alteration, he confessed he was startled, and thought it went further than the necessity of the case required. After due consideration, however, he did not think that it would have that injurious effect upon the agriculturists which some persons apprehended from it; he did not think that under the proposed scheme the British agriculturist would be rendered unable to compete with the foreigner. He certainly felt the objection stated by the noble Earl behind him (Earl Wicklow), as applicable not only to Ireland but also to many parts of England. In several parts of the country, and particularly in the county of Durham, there was a great deal of wheat grown on land which ought not to be made to produce wheat, and which might be brought into much better cultivation with oats, and when he heard of the alteration, and before he knew precisely what it was, he intended to have induced his tenantry to grow more oats and less wheat. Much as he had heard of the necessity of lowering the duties on wheat, he had never heard anything about oats. If there should be so large an importation of oats as was expected by some under the new scale, he had no hesitation in saying that that, coupled with the import of foreign wheat, would affect most injuriously the agricultural interest. He freely admitted that after the great outcry on the subject of the Corn-laws, if the duties on wheat were to be altered at all, a less change could not be made than was proposed in this bill. Though he very much condemned the great reduction of the duty on barley and oats, yet he considered it on the whole to be consonant to his duty to vote for this bill, and certainly his anxious wish was, that it should pass into a law. He confessed that after what had fallen from some noble Lords, and especially after the noble Earl's remark relating to the laws of the Medes and Persians, he would have been rather staggered on the score of the finality of this bill if brought forward by an individual Member of Parliament; but when a measure of this kind was brought forward by Government, to settle a great question and reconcile the conflicting interests of the manufacturers and agriculturists, the case, he thought, was different. He did hope, and he certainly understood that it was the intention of the right hon. Gentlemen in the other House to frame such a measure as should be satisfactory to all parties, and at the same time be considered a final settlement of the question. He was very much surprised that the noble Lord should not have said it was to be a final measure. It might be argued, that Ministers had no power to insure the finality of the measure; but a Minister might say, "Although I cannot control Parliament, I never will make any further alteration." He had always understood that the Ministers who passed the Reform Bill stated that it was to be a final measure, and that they considered it as such. If such a statement had been made by the noble Earl (Earl Ripon) on the present occasion, he should have been much better satisfied. He should, however, certainly vote for going into committee; but he hoped that the Corn-laws would never experience any further alteration during his own life. He was convinced that a fixed duty could never be carried into effect with any regard to equity or justice, if it were meant as a protection to the agriculturists, although as a source of revenue, he admitted that it would be more suitable and more productive.

The Earl of *Ripon* would take this opportunity of saying a word in explanation of the remarks he had made on the subject of the finality of the measure, to which the noble Duke had alluded. He certainly had not had the arrogance to state that any law which Parliament might pass on this subject, or on any other, must be taken as final, but there was nothing in that which should be thought threatening to those who might be apprehensive of ulterior consequences from this measure. All he could say for himself was this, that if he brought forward the measure, intending or wishing it not to be final, he would say so. He had never said that with respect to this measure. He hoped that it would be final. He thought it would be a good thing if it were, and and it would not be his fault if it were not, The Earl of *Rosebery* would shortly state his general views on the measure of her Majesty's Government. He thought that, in making a great change in the law relating to the introduction of foreign corn, the best plan to be brought forward was one which would be not only immediately beneficial but also of a permanent character, or which, if it had not that distinctive advantage, should contain such provisions as would constitute the best preliminary and intermediate steps between the present law and a law to be established on a more broad, comprehensive, and durable basis. The present proposition, it appeared to him, would not give satisfaction on either of these grounds. With regard to its permanence, however its authors might have deluded themselves before they had proposed their scheme, they had before now had sufficient reason to discover that in its present shape it would have a very brief existence, and if the object were to take a preparatory step in advance of a law which was now discovered by all —except those who considered themselves agricultural patriots, headed by the noble Earl at the Table (the Earl of Stanhope) and the noble Duke (the Duke of Buckingham) to require immediate alteration, even as a preparatory step it would be a failure. With respect to a most important point involved in the consideration of a change of the Corn-laws, he had of late seen reason to change his opinion. He had formerly thought that in making any extensive alteration, it would be better to proceed on the principle of a varying duty, which he would have wished to arrange at very different rates from those proposed by her Majesty's Government. His plan, indeed, would have partaken in one part of the nature of a fixed duty, as he should have proposed that the minimum duty of the sliding-scale be 4*s* or 5*s*. But, considering what was demanded by the present circumstances of the country, he was disposed to think, after much reflection, and as patient an examination of the subject as any of their Lordships could have given it, that a fixed duty was the scheme most likely to be permanent, most free from objection, and best calculated to satisfy all parties. Having the markets of the world at all times open to them, the price would rarely, if ever, rise to such an elevation as would make it necessary to repeal or relax the duty. A fixed duty appeared to him also to present the only means of putting an end to the speculations and frauds which were now carried to such an extent, and were so pernicious to both consumers and producers. It would remove, also, one of the most important causes of that distress which had prevailed of late years to an extent so much to be deplored, by preventing those extensive demands for bullion, falls in the exchanges, and derangement of the currency, to which the present system of carrying on the Corn-laws more than anything contributed. Among the several causes leading to that periodical distress, he should place the sudden derangement and contraction of the currency from the present mode of importing foreign corn, as one of the most direct and mischievous in its nature? It was not surprising that new light should have broken in on his mind lately on this subject, when that had been the case also with all her Majesty's Ministers, and most of the noble Lords opposite who, last year, would have opposed and rejected this bill, in the same way as they defeated the measure of the late Government. He had been of opinion, that a duty of 10*s*. or 11*s*. might at first be advisable to prevent the evils of too sudden a change, reducing it by 1*s*. annually, till it fell to 8*s*. or 7*s*. there finally to remain. Though favourable to a change in the existing Corn-laws, and desirous of relaxing the duty on the introduction of foreign grain, he was still, from the peculiar circumstances of the country, willing to afford a certain protection to the home grower. He would not countenance a total repeal, because he considered there was no fairer subject for an impost than the importation of foreign commodities; and he thought that the duty on corn should be fixed at a higher rate at present than might be found ultimately desirable, in order to prevent the shock and disorder which might attend a too sudden change. Even to the consumer a duty would be found a protection, as it would tend to preserve a constancy of supply by giving encouragement to agriculture, and preventing the evils of an extravagant price in a time of temporary scarcity. Among other leading provisions of the bill which he disapproved of was that of the admission of a large number of towns into the schedule of places by which the averages were regulated. He did not believe that any one of their Lordships really knew what would be the effect of that addition. His noble Friend, at the head of the Board of Trade, thought it would produce no great change, but there were others whose authority was entitled to considerable weight upon the question, and who were under the impression that it would operate to reduce the averages, and thereby increase the duty. Many were of opinion, that the proposed addition to the towns would alter the whole range of prices, and he believed that they were all in total ignorance of what the effect would be; and on those grounds he should certainly object to that provision. He confessed that, looking at what would be the probable operation of the bill, he could not bring himself to vote for the second reading last night, and had abstained from voting, although he was ready to admit that it was a very great improvement in the existing system. He thought the bill would make a very considerable change in price, but it would not effect the main object which he for one desired to see accomplished by an alteration of the Corn-laws—viz., a steady, regular, and wholesome trade in corn, while it would generally exclude, and always perplex the commerce in grain with distant countries. He did not think that it would do away with speculation and fraud, or any of those evils which existed under the present system. Believing that a fixed duty would place the producer on a safer and better footing, and that the revenue would be in a better condition, believing that it would improve their trade and be conducive to the advantage of the public generally, he should on these grounds give his support to the amendment of his noble Friend.

The Marquess of *Salisbury* could not but congratulate his noble Friend who had just sat down, on the fact, that he considered the bill as a great amendment upon the law which was at present in operation. His noble Friend, he believed, had expressed his disapproval of every single provision of the bill, while, as a whole, he had considered it a great amendment on the present law. It appeared to him, that there were two grounds on which the Government was bound to give protection to the agricultural classes of this country—one was, that by encouraging native agriculture they would render themselves independent of foreign nations; and the other was, that the agriculturists were entitled to the same protection which was enjoyed by other trades. He believed it would not be denied, that there were special burdens imposed upon the land, and if the burdens on all classes were equalised, he had no objection to give up every protection which the landed interest at present enjoyed. The question was, what protection was necessary to enable the home-growers in their own markets, to compete with the foreign grower? Under the former law, the average price of corn was somewhere about 56*s.* the quarter, and the proposed law would maintain it at something like the same price, and less than that would not, he thought, be a sufficient protection to the English farmer. There was a great reduction in the amount of the duty to be levied under the new bill, but he believed the price would remain at something like the average of what it had been for the last ten years. With regard to the addition that had been made to the list of towns which were to regulate the averages, he entirely approved of it, because he did not think, that the averages could be more fairly taken than by adding as many towns as possible where *bonâ fide* sales of wheat took place. But, it was said, the Government would not have proposed this measure, had it not have been forced upon them by the country. Now, it was perfectly true, that the agitation which had been raised on this subject had necessitated this proposition, but was it not extraordinary that noble Lords opposite should blame the Government on that account? Why, they were the prime movers of this agitation. It was the late Administration which first proposed a change in the existing law; and with regard to the character of that change, he would say, that he thought nothing could be more delusive, than the proposition for a fixed duty. A fixed duty would be no protection to agriculture. Let them put it at a high rate, or at a low rate, it would be equally inoperative. In fact, the only efficient means of protecting the farmer was by the graduating scale—by an adherence to the principle at present enforced. He believed, that the measure before the House went to maintain that principle, and that the alterations made in the details were calculated to benefit the country. On the whole, he must say, that he was satisfied with the plan, and that he should vote in favour of the bill most willingly.

Lord *Portman* objected to the present bill as being of an unsatisfactory character, and, therefore, a bad measure. He considered that it in no way tended to settle this momentous question, the importance of which had been described so adequately by his noble Friend opposite (the Earl of Ripon). He believed, that the question never could be settled satisfactorily to the agriculturist or to the consumer, until it was settled on the principle embodied in the amendment of his noble Friend. The measure could not satisfy any class, and it would unsettle the transactions of all classes. He should have thought, that his noble Friend, the President of the Board of Trade, would have been the last person to have approved of this bill, when he recollected that his noble Friend was the leading person in drawing up the report of the committee of the other House in 1821 on this subject. In that report the agriculturists were told, that the time would come when the only protection which they must look to was in the shape of a fixed duty. They were also told, that that time would be when there was no glut in the home market and no glut in the markets of the world. He had always considered that the recommendations and arguments were sound and unanswerable, and in consequence of the impression which that report had made on his mind, he had always been an advocate for a fixed duty on corn. He had entertained hopes, from the opinnions expressed by the noble Earl on former occasions and last night, that he was prepared for a more extensive change; but his noble Friend had that night intimated that they should regard this as something like a final measure. He agreed with the noble Earl (Earl Hardwicke) in believing that the cultivators of wheat would not have less protection under the proposed bill than under the present law; but he did not think that this would be altogether the case as regarded barley. The cultivators of barley, no doubt, had reason to be sorry that the noble Duke (the Duke of Buckingham) did not remain in the Cabinet, for he might by his exertions have succeeded in obtaining an equal share of protection for the barley grower, as a right hon. Baronet, his Colleague in the Cabinet, and also an ardent supporter of agriculture, had induced the Cabinet to agree to for the producers of apples and hops. With respect to the report of the committee, he would beg the attention of noble Peers to an extract from it which he would read. The committee in allusion to the present system of the sliding-scale, say:—

> "This system is certainly liable to sudden alterations, of which the effect may be at one time to reduce prices already low, lower than they would probably have been under a state of free-trade, and at another, unnecessarily to enhance prices already high;—to aggravate the evils of scarcity, and to render more severe the depression of prices from abundance. On the one hand, it deceives the grower with the false hope of monopoly, and, by its occasional interruption, may lead to consequences which deprive him of the benefits of that monopoly, when most wanted;—on the other hand, it holds out to the country the prospect of an occasional free-trade, but so regulated and desultory, as to baffle the calculations and unsettle the transactions both of the grower and the dealer at home;—to deprive the consumer of most of the benefits of such a trade, and to involve the merchant in more than the ordinary risks of mercantile speculation. It exposes the markets of the country, either to be occasionally overwhelmed with an inundation of foreign corn, altogether disproportionate to its wants; or, in the event of any considerable deficiency in our own harvest, it creates a sudden competition on the continent, by the effect of which, the prices there are rapidly and unnecessarily raised against ourselves. But the inconvenient operation of the present Corn-law, which appears to be less the consequence of the quantity of foreign grain brought into this country, upon an average of years, than of the manner in which that grain is introduced, is not confined to great fluctuations in price, and consequent embarrassment, both to the grower and to the consumer; for the occasional prohibition of import, has also a direct tendency to contract the extent of our commercial dealings with other states, and to excite in the rulers of those states, a spirit of permanent exclusion against the productions or manufactures of this country and its colonies."

Could any man predict more accurately the state of things that had arisen under the present Corn-law than the authors of the report of 1821; and if they prophesied so rightly as to the result of the then law, why did noble Lords refuse to go with them in adopting their recommendations. In a subsequent part of the report, the committee said,—

> "Your committee are the more anxious to impress upon the attention of the House the real state of our trade in foreign corn, between the years 1773 and 1814, as it appears to them, taken in connection with the progress of general prosperity of the country, and more especially with the great improvements in agriculture, and its highly flourishing condition during that period, to suggest to Parliament,

as a matter highly deserving of their future consideration, whether a trade in corn, constantly open to all nations of the world, and subject only to such a fixed duty as might compensate to the grower the loss of that encouragement which he received during the late war from the obstacles thrown in the way of free importation, and thereby protect the capitals now vested in agriculture from an unequal competition in the home market,—is not, as a permanent system, preferable to that state of law by which the corn trade is now regulated."

Did not the committee then distinctly tell the agriculturists, that the only protection they must ultimately look forward to was a fixed duty. The noble Earl said, that he was desirous of preventing frauds in the averages; but was he likely to do so by means of the present bill? The noble Lord said, that the grades in the sliding-scale were not so great in the bill before the House as they were in the present law. He admitted, that although the differences in the proposed scale, when corn rose to a certain price, were not so great as at present, still the scale was constructed in such a way, that it would still hold out inducements to speculators; and, indeed, this must be always the case where the average system was adopted, nearly as great now as formerly, to indulge in frauds to raise the averages. It was proposed to add sixty-two new towns to those from which the averages were now taken, but you still had London in the list, which was the great market for speculators and for fraudulent sales. When the former Corn-bill was before Parliament, he had moved, that London should be left out of the list of markets from which the averages were to be taken, but he was left in a very small minority on the occasion. He found, that at Liverpool, London, and Boston, at least one-fifth of the whole quantity of corn disposed of was sold. He found also, that in forty towns the return of sales of corn was less than that quantity. Under the present law, and under the operation of the proposed bill, the dealer in the great markets still depended on the foreign speculator, and they must buy when it suited them for the purpose of carrying on their gambling transactions. Another evil of the operation of the Corn-laws was, that the small farmer must sell his crops between the gathering the harvest and Lady-day, so as to enable him to pay his rents and tithes. But the chief portions of the speculations and the high prices of corn took place between Lady-day and the harvest. The farmers, therefore, did not get the benefit of high prices from the Corn-laws, as they were forced to sell their produce at a period of the year when there were comparatively low prices. The present bill was also bad, because it unsettled existing bargains between landlords and tenants; and it was utterly impossible, that under its probable operation any man could tell how an agreement or bargain should be made. He believed, that this measure had given a shock to the landed interest of this country of a most serious character. He believed, that every man, poor or rich, labourer or master wished to give adequate and fair protection to the producer of corn; but how could they maintain that protection to him when he was exposed to competition with the foreigner by bringing forward a measure which would keep up all the fluctuations of the old bill, and which would tend to prevent altogether their making a fixed duty? They had lost good terms when they rejected the propositions which his noble Friend (Viscount Melbourne) had offered to Parliament last year, and which he was prepared to offer them again at present. He did not believe, that by this measure they would succeed in putting a stop to agitation—on the contrary, they would encourage it. It had been admitted, that it was yielding to agitation in bringing forward this measure, which could not be defended on principle.

The Earl of *Winchilsea* said, he had endeavoured to follow the noble Lord who had last spoken, but he really had left him at an entire loss to know what his opinions were as to the protection, or preference, as he styled it, which ought to be given to the British agriculturists. The noble Lord appeared to argued, first of all, that the Government measure would give no protection. Why, was not its principle the same as that which characterised the protecting measure at present in operation? It was true some alterations were proposed in the scale of duties; but he was prepared to contend, that those alterations would give greater protection to the agriculturists than, in point of fact, they had ever before obtained. He did not mean to say, that the measure would enhance the price of corn, but certainly it would not expose the grower to the frauds practised upon the averages, as to the sudden alterations in the scale of duties which were constantly occurring under the plan at present in existence. He would assure noble

Lords, that he was not one of those who desired to raise prices. It was only his wish to give every fair protection to the agriculturists. He looked on the question as one affecting every class in the nation, and his only object was to give bread, the chief necessary of human existence, to the great mass of the people of this country, at the lowest possible price compatible with a fair profit to the grower. He must say, that he did think the measure before the House a very considerable improvement on the existing Corn-law. It would cure the evil of the jumping duties —the sudden change from high prices to low prices. A great improvement would also no doubt be made by the additions to the towns in which the averages were to be taken, but at the same time he quite agreed with the noble Lord who had just sat down, that the market in Mark-lane should be left out of the list altogether. As to the proposition embodied in the amendment, the fixed duty was in point of fact a perfect fallacy if viewed in the light of a protection. He looked to the consequences of a fixed duty upon corn not merely as immediately affecting that article, but ultimately involving the security of all other taxes; because, when the price of wheat was high, the Legislature would be compelled to abandon the 8*s.* duty, and the clamour of the people, when successful in getting rid of one tax, must exercise a most injurious influence with reference to every other available source of revenue. At the same time, he felt it to be an imperative duty to oppose the imposition of a fixed duty on corn as a protection to agriculture, because when corn was low it would afford no protection, and when prices were high, the Legislature would never be able to enforce it.

Lord *Monteagle:* I am anxious to confine the few observations that I wish to address to the House to the question immediately under consideration. I admit, that the proposed bill is a considerable improvement on the existing law, above all in those provisions of the bill by which the duty on import is diminished, which will prove a relief to the consumer. The new scale will also lessen the inducement to hold back foreign corn, and will thus diminish the fluctuations of price. At the same time, however, when I admit this, I must state, that if ever I was persuaded of one fact more than of another, it is, that according to the opinion expressed by a noble Friend of mine, who spoke early in the debate (Earl Wicklow) this bill cannot be considered a final measure on the subject. It is founded on arguments and admissions, that must lead to its future modification or repeal. I do not attribute any want of candour to my noble Friend (Lord Ripon) nor suggest, that bringing forward this bill as a definitive measure, my noble Friend does not believe it to be such. But my noble Friend also considered the act of 1815 as final, yet how little has it deserved that title! I beg your Lordships to recollect, that you are now arguing the corn question on grounds on which it has never been argued before. It is now admitted on all hands, though formerly as strenuously denied, that we must seek from abroad a considerable portion of corn for home consumption. The notion of independence of foreign supply formerly once so much relied on, is now abandoned on all sides; and the only question remaining for argument is how our deficiency of food can be supplied, in the most advantageous manner. This deficiency must annually augment. In looking to the facts of the case, I will refer to the rapid increase which is continually taking place in the population of this country. If noble Lords will consider the returns of the population laid before Parliament, it will be seen, that the population of Great Britain has increased between the years 1801 and 1841, upwards of 78 per cent. From these returns, it appears, that in the period of forty years, the population has increased 8,200,000; an increase equal to the population of a considerable European state. The progress of our population is as follows:

"POPULATION OF GREAT BRITAIN, AND, IN THE THREE LAST CENSUS, THE CHANNEL ISLANDS:

Year.		Population.		Per Ct. Incr.
1801	....	10,472,048	....	—
1811	....	11,964,303	....	14·2
1821	....	14,161,839	....	17·6
1831	....	16,366,011	....	15·5
1841	....	18,664,761	....	14·

Increase on the 40 years, 8,200,000 or 78·2."

It is plain, therefore, that the country has to provide means of subsistence for a rapidly increasing population. Do noble Lords believe, that from the present time the population will remain stationary? I doubt it much, and experience justifies me in such doubts. During the last forty years, there have been times of great commercial prosperity, followed by periods of mercantile embarrassment, and of agricultural prosperity followed by agricultural distress; but still there has been an increase of population steadily going on during all these vicissitudes. It is admitted, too, by all rational men, that this country cannot go on increasing its production of corn in the ratio with the increase of population; we must, therefore, necessarily look to foreign countries, for augmenting supplies of corn. I repeat it, we must look to foreign countries, and your Lordships will find, that a greater portion of foreign corn will be required, year by year. If, then, this bill is considered sufficient for the exigency of the present state of things, an allegation which I do not admit, yet even then, from the facts which I have stated, it will soon become necessary for Parliament to reconsider the question, within a comparatively short time. I hope it may be reconsidered wisely and temperately hereafter, however imperfect may be our present legislation. There is another point of view in which this question may be considered as having during these discussions assumed a new feature. Heretofore it has been the practice to appeal to Ireland and to Irish interests as an argument for maintaining the Corn-laws; but that argument has now failed, because less and less corn is imported from Ireland every year. The House can no longer look to Ireland as the source of an increasing supply. It has even been stated by a noble Earl (the Earl of Wicklow) and by many other persons well acquainted with the fact, that the probability is, that very shortly, Ireland will consume all the wheat which she produces. This state of things does not arise from the circumstance that less wheat is produced in Ireland, than formerly, but that more is consumed; it is a proof of the improvement in the condition of the people of Ireland, and a proof that must be most gratifying to your Lordships. I refer to these facts, to prove that it will be utterly impossible for Parliament to abide by the present bill, as a permanent settlement of the Corn-law. If, then, this country is obliged to depend upon foreign states for a portion of the supply of corn necessary for our subsistence—if the proportion brought from abroad is likely to go on increasing, the question to be answered is, What are the best means by which we can procure the foreign grain we require for the support of our population. In reply to this question two propositions have been made: the first, the sliding-scale, and the second, the fixed duty. There is undoubtedly a third proposition, namely, the abolition of all duty, which my noble and learned Friend (Lord Brougham) intends making, but with respect to which I will not make any observations for the present. I have come to the conclusion, after the best reflection that I can give to the subject, that it is inexpedient to adopt the sliding-scale, and that in its operation it is alike inconsistent with policy and justice. I should have been glad to have had a committee of this House appointed to investigate the relative merits of a sliding-scale or of a fixed duty, before which committee practical men of all opinions could have been examined, and where the matter could have been inquired into, divested of all party excitement, and where it could be treated as a question of political economy or commercial science. I should like to know where you can find any practical and experienced man who will defend the sliding-scale? Noble Lords opposite have boasted, and boasted with some degree of truth, that a large portion of the most wealthy and intelligent commercial classes coincided with them in their political views. I am willing, for the sake of argument, to admit this, and I will ask noble Lords opposite to appoint a committee, and I will challenge them to produce any commercial men of knowledge and of experience who will venture to defend the continuance of a sliding-scale. I will go farther, and will challenge them to name any one person who has practical experience in matters of finance, or who is extensively acquainted with the commerce of the world, the principles which regulate our foreign exchanges, or the interests of the public as connected with the Bank of England, who, on being questioned, would not repudiate this sliding-scale as a most monstrous anomaly. This is a fair challenge, to which I invite the attention of noble Lords opposite. I will also undertake to prove the impolicy of this system, not merely on authority, but by a reference to a few and simple facts which can be relied on. The Customs' tariff embraces 1,000 or 1,200 separate articles. It has more than once undergone the supervision of some of the most able and most experienced men; very great improvements have been made in the tariff by persons connected in politics with noble Lords opposite; first, in 1827, by Mr. Herries, and now again, much to the credit of the Government, by the right hon. Baronet the First Lord of the Treasury. I ask them if, in the whole revision of the tariff, or looking back into the history of this country, or of any other, they can point out any such vicious principle as a sliding-scale applied to any other article but that of corn? Where has such a scale—the very opposite of an *ad valorem* scale—or, as it has been well designated by the noble Earl (Earl Ripon), where has such a *contra valorem* scale been suggested with reference to any other article? If the principle were in itself a good one, why should it have been thus uniformly rejected? But I contend that it is specially objectionable as applicable to corn. I object to it first on account of its uncertainty, which exposes the merchant, in making his arrangements, to the double contingency of a changing duty and a changing price. I object to it, also, on the special ground that has been adverted to by a noble Lord near me (Lord Clarendon)—namely, its unjust operation upon our commercial intercourse with the United States of America. To countries in our immediate vicinity it holds out advantages withheld from more remote markets, like those of the United States. During Mr. Webster's visit to this country, I enjoyed some intercourse, which I shall ever remember with the greatest pleasure, with that distinguished statesman now at the head of foreign affairs in the United States. At that period the distress arising in our American commercial relations was extreme. It was a time of immense pressure on the whole of our American trade. And what was the position of parts of America with which Mr. Webster was acquainted or connected? It was, that the harvest remained without value upon the ground, because its owners could find no profitable market; and this, whilst our commerce was languishing by the check to our trade with America, and the people were suffering from a want of the food which America was willing to send to us, both parties were thus suffering from the fatal laws which prevented the transmission of that agricultural produce which would profitably have been sent by America and consumed by us. I also object to this sliding-scale, on a ground of objection which must be incident to this bill and to every other bill founded on the same principle. No system founded on averages can work well. You are now endeavouring to botch up the system by the introduction of new towns into the averages. The very step you have taken with a view to improve the law, proves the vice that is inherent in that part of the scheme. I will ask the noble Lords around me whether, having read this bill a second time, any one of them can, on going into committee, put his hand upon his heart and say, that he understands in the least degree what the effect of the introduction of these towns will be? Then I say you are going to effect a change, not on any principle that ought to direct the resolves of wise and prudent men, but at chance and upon hap hazard. To this evil every alteration of average system was exposed, as no *à priori* reasons could show how the alteration would work. But again, as was stated on a previous occasion, there was another vice from which the average system was never free. It proceeded upon an entire fallacy. It assumed that a given quantity of corn was always of the same value, never taking into account the condition of the corn; so that, while the state of the averages as exhibited by price was apparently favourable, the people might be in a state of starvation; it was forgotten that a defect of quality would lower price as certainly as abundance in quantity. In this, as in every other case, much of the evil you inflict will recoil upon those who cause it. There never can be a stronger illustration of this great truth than is furnished by the Corn-laws. Assume the case of a bad harvest at home, and ask the practical agriculturists whether it is not equally beneficial to the consumer and producer, that the damaged grain and flour shall be rendered most available for food; and I will tell your Lordships, that the introduction of dry and fresh wheat from abroad to mix up with the low-priced and damaged wheat at home, will be a boon to the community and even a benefit to the farmer. At the period of discussing the Corn-laws in 1815, there were two gentlemen in Parliament connected with the city of London, Alderman Atkins and Sir W. Curtis, both of whom spoke from experience on the subject, and they stated, that when grain was on the average 85*s.*, 95*s.* was the real average price of grain fit for making bread. Lord Grenville, to meet this inconvenience, proposed that the averages should be taken not on grain, but on bread. Let Parliament do what it will, this is an evil from which you cannot wholly escape so long as you adhere to an average system at all. Another objection to the sliding-scale is the bounty it affords on holding grain in hand till the duty falls. The sliding-scale is an inducement to keep corn back, till prices reach their maximum, and the duty reaches its minimum. I admit that the present bill is in this respect a great improvement on the existing law; and so far from objecting to the "rests" in it, I only wish that there were a few more of them; for just in proportion as you introduce and extend the rests, you approach to what I consider to be a better system, the system of a fixed duty. At this hour of the night, I have to apologise for detaining your Lordships, as I know the House listen with impatience to written statements; but I must take the liberty of reading one short passage from an admirable work, which will in some measure repay your Lordships for the inadequate manner in which I have expressed my opinions. It is the opinion of an enlightened author given on this very subject, and describing the effects of a sliding-scale as compared with the effects of a more settled system of law. The writer to whom I refer is Mr. Tooke, whose authority would be admitted to be entitled to the greatest weight by the noble Lord who introduced the bill, as well as by all who like myself, enjoy the advantage of his acquaintance. Mr. Tooke said, in his work on prices (vol. iii. p. 48,)

> "The averages, and the uncertainty and manœuvring connected with them, would be done away with; as would, likewise, the mischievous anomaly which, by the effect of low condition on the averages, excludes foreign wheat precisely at the time when it is most wanting for mixture with our own. In the next place, this country would present a constant market, instead of the present capricious one, and would afford an opening for return of exports beyond that which at present exists, except in the uncertain intervals when the duty is approaching its minimum, and there would be less liability to disturbance of the value of the currency."

Having thus alluded to some primary evil consequences of the average system, perhaps the House will permit me to state in a few words a further objection to it, arising from its obvious tendency to increase the fluctuation in price. There are several returns on the Table of the House, showing the fluctuations in the prices of corn abroad and at home, but some of these returns and calculations are made on a principle which is irreconcileable with a just comparison of the merits of the two systems. An attempt is made to compare the fluctuations by reducing them to per centages. To this I must object as delusive. Undoubtedly the proportion between zero and one, as compared with the proportion between sixty and a hundred, is very different, it being, in the first case, that of infinity and in the other that of less than one-half. But if you increase the price of bread in these two proportions, the effect is totally different — the per centage proves nothing. It is the difference between the higher and lower number that is material, rather than the per centage increase, and the latter computations are all foreign to the real question. But in the ten years from 1829 to 1838, the average annual difference between the highest and lowest price was 31 per cent., in 1829, 1830, 1836, and 1838, the average annual difference between highest and lowest weekly average was 47½ per cent.; and in a single year, it amounted to 68 per cent. A Table has been prepared by order of the noble Earl (the Earl of Ripon) on this subject, and I do not believe that so palpable an exhibition of the defects of a law can be made in any other country in the world. A still more fatal objection to a sliding-scale, is its obvious tendency to extend this fluctuation of prices all over the globe. The evils of vicious legislation, do not confine their mischief within the four seas that encompass these islands. The irregularity of prices in this country reacts upon the whole world, upon Dantzic as much as upon London. Every market to which the influence of a bill of exchange can reach is disturbed, and that disturbance reacts again upon the people of England, both as consumers and as merchants. How does this tell upon the revenue? Was there ever such an anomaly as that part of the revenue which includes the corn duties? In the years 1833, 1834, 1835, and 1836, the duty received on the importation of foreign wheat was but 1,646*l.*; in the years 1838, 1839, 1840, and 1841, the same duty swelled to upwards of 2,000,000*l.* I will ask the noble Earl—but I am afraid that the noble Earl will not answer — still I ask the noble Earl what estimate he has made of the produce of the new corn duties as likely to be received as revenue? I am anxious to know what the noble Earl expects to receive. But the noble Earl will not gratify my curiosity. The fact is, the noble Earl has placed himself and his Colleagues in some difficulty by disclaiming the corn import duty as a measure of finance. Such are his scruples on this subject, that all the world will not induce the noble Earl to charge one single sixpence in the shape of a tax on food. The same opinion has also been repeated by a noble Earl (the Earl of Winchilsea) who has said, that the Corn-laws could only be maintained as a measure of protection, but that they would be indefensible as a means for raising revenue. It is difficult, except in the extreme case of prohibition, to separate these objects. The fact being, that no revenue can be derived from corn without being *pro tanto* protective, so that in reality many who discuss these questions, are fighting more for words than for things. The mass of consumers, there cannot be a doubt, would prefer to have corn on the cheapest terms; that is, without any duty on its importation; but if these consumers are to be allowed at their choice, to pay a duty for the purpose of protection, that is, for the purpose of enhancing the value of land, or to pay a duty which, by increasing the revenue, may allow the other burdens of the country to be lessened—your Lordships may rely upon it, that if such a choice were given to consumers, they would not hesitate one moment in giving their answer. It is the price of corn, that affects the public as consumers. A rise of price, as the consequence of protecting duties, is very different from a rise of price, the consequence of a revenue duty. It has been said, and undoubtedly such a statement forms an important branch of the inquiry — it has been said, that as a protection a fixed duty would be a delusion, since it could not be maintained by the Government during a period of very high prices. Now, assuming that a fixed duty of 8*s.* was in force, and that the supposed exigency had arrived, assuming, also, that there arose a clamour for a repeal of the duty, I am asked, what would the Government, what would Parliament do? If I were speaking, either as a Minister or a Member of Parliament, I should most decidedly reply, "Adhere to the duty." And this for the most obvious reason. If a Minister or the Legislature were to give way, it would not be the consumer who would benefit by the relaxation. Of this we had an illustration the other day, when during a period of distress there being a great quantity of foreign grain lying in bond at Glasgow, a most earnest entreaty was addressed to the Government to give up the grain that was in bond, and allow it to go into consumption duty free. If Government had yielded to this demand, what would have been the consequence? Do you suppose that the owners would have sold the corn at 20*s.* less, in consequence of having been excused from the payment of the duty? Not at all. By dispensing with the duty the Government would only have put so much into the pockets of the proprietors of that grain. The same principle would apply if the owner and the corn were at Dantzic. By giving up the duty, you confer no benefit upon the consumer, any further than is measured by the increase of quantity brought into the market; and the people would not obtain their bread cheaper by the amount of duty, if the Government were to be so inconsiderate as to authorize the duty to be remitted. The same remark would not apply, in the same degree, to the proposition of his noble Friend for repealing the whole duty; such a measure, if permanent, would increase the growth of corn abroad; and on the increased supply, compared with the capacity of the people to buy, the price alone depended. There is another subject to which I feel it my duty to call the attention of your Lordships, namely, the fatal effect on trade which the irregular importation produces by its action on the currency of the country. This effect must continue so long as you adhere to the present system. On this subject I will appeal to the authority of the right hon. Baronet at the head of her Majesty's Government, and his authority is one of no trifling weight on this subject, for few men can claim a brighter honour than that right hon. Gentleman has achieved in restoring the currency of the country to a healthy condition. I know how much that right hon. Gentleman has exposed himself to attack from his own Friends for his act of 1819; but, in disregarding the reproaches of prejudicial men, he has deserved well of his country. In speaking thus, I feel that I am only rendering justice to the right hon. Baronet. In 1827, the Government was pressed to consent to a committee in consequence of the agricultural distress which then prevailed—for be it remembered, that notwithstanding the Corn-laws the country has been repeatedly visited by agricultural distress. Nothing is more certain than that these laws are occasionally productive of agricultural distress by causing over-production. Well, the pressure was very great upon the Government of that day, and a motion was made with a view to obtain some increased protection. On the 8th of March, 1827, Sir Robert Peel expressed himself thus:—

> "The bank having returned to cash payments, by being obliged to pay in gold, nothing could be more likely to injure that measure and to cause a run upon the bank than the system of 1815. In the case of such a scarcity as opened the ports in this way (for three months), speculations would be indulged in, and must be paid for in gold, so that a run would be caused on the bank, which must disturb the present currency of the country. The demand for foreign corn must necessarily raise the price, and, therefore, it was a fallacy to suppose that, because corn was at this moment or any other at a certain price at Dantzic, that price would not be increased by the increased demand from this country."

Such were the effects which Sir Robert Peel apprehended if the ports were opened for three months to meet a sudden demand for corn. But the ports had been practically open for the importation of grain at low duties during the greater part of 1838 and 1839, and all the anticipations of Sir R. Peel have been fully realised. I will show what has happened. I moved for a return of the fluctuations of bullion in the bank of England since the last Charter Act. But, in referring to this return, I beg to state that I am not so blind as to suppose that in all cases when a diminution of bullion takes place, there has never been any other cause for such diminution than the Corn-laws. To attribute that diminution to one cause only would be mere pedantry; but, with the exception of years where other causes might easily be shown to have existed, I find that it is always at the time when there is the greatest importation of foreign corn that the amount of bullion is most affected:—

QUANTITY OF WHEAT IMPORTED AND FLUCTUATIONS OF BULLION.

	Wheat & Wheat Flour imported.	Bullion in Bank.		
		Highest.	Lowest.	
		£	£	
1834	109,000	9,948,000	6,720,000	This was the period of Foreign Loans.
1835	43,000	6,741,000	6,150,000	Joint-stock Bank extensions.
1836	234,000	7,801,000	4,545,000	
1837	544,000	8,172,000	4,032,000	Failure of American Houses.
1838	1,355,000	10,126,000	9,339,000	
1839	2,862,000	9,336,000	2,525,000	
1840	2,284,000	4,500,000	3,454,000	
1841	2,524,000	5,170,000	3,557,000	

And if you will go through the monthly averages for 1838 and 1839, the effect will be shown still more strongly:

CORN IMPORTED, AND BULLION IN BANK.

	Wheat and Flour Imported.	Monthly Averages.		Bullion; Average of 13 Weeks Antecedent.
1838:	Qrs.	s.	d.	£
January	5,212	54	2	8,895,000
February	4,708	55	3	9,543,000
March	2,543	56	6	10,015,000
April	6,269	59	0	10,126,000
May	35,446	62	7	10,002,000
June	69,717	65	5	9,722,000
July	101,781	68	7	9,749,000
August	257,181	74	8	9,746,000
September	562.376	64	9	9,615,000
October	20,277	66	10	9,437,000
November	46,205	73	3	9,339,000
December	243,596	78	1	9,362,000
1839:				
January	164,000	79	9	9,336,000
February	234,000	72	0	8,919,000
March	494,000	71	0	8,106,000
April	228,000	70	0	7,073,000
May	312,000	70	7	5,119,000
June	298,000	68	6	4,344,000
July	121,000	69	9	3,785,000
August	243,000	71	9	3,265,000
September	427,000	70	6	2,816,000
October	145,000	66	4	2,525,000
November	76,000	68	0	2,545,000
December	115,000	66	2	2,887,000

The bank began with ten millions of bullion in their vaults, and this treasure was in the Autumn of 1839, reduced to 2,800,000*l.* There was but this pittance of 2,800,000*l.* in the vaults of the Bank to meet all liabilities, public and private, to pay the dividends, to pay the army and navy, and to supply the deficiency bills that were required in order to maintain the credit of the country. Now every British statesman, every merchant, every subject of her Majesty who loved his country, ought to congratulate himself, and to be grateful to Providence that this demand for foreign corn did not occur simultaneously with the American disasters! Had the failure of crops occurred at that time, which so shortly after did occur when the Bank of England was only saved as if by a miracle, by the assistance of the Bank of France—and what an illustration did that event afford of the boasted independence of foreign nations which these Corn-laws were supposed to secure—if, I repeat, such an event as the American commercial disasters had occurred at the same time when those demands were made for gold in order to pay for foreign corn imported,—if as a necessary consequence the Bank had been compelled to stop payment, let the House imagine how awful would have been the amount of commercial distress that would have ensued, not to speak of our national disgrace in the eyes of Europe. We are proud of declaring our determination to maintain the public faith, We somewhat ostentatiously contrast our conduct with that of some bankrupt states of the new world, but it behoves us to think of the imminent danger to which we have been exposed, and to congratulate ourselves that we have been saved by Providence from that disgrace which bad legislation occasioned to this, the first commercial country in the world. I am ashamed of having occupied your Lordships so long; but to say the truth, my mind is so full of the argument, that I feel as if I have only as yet, approached the boundary of the question. If I had been allowed a fuller opportunity of going into the subject, I conceive nothing more capable of actual demonstration than the absurdity of attempting to regulate, by duties, the price and the supply of the food of man. Yet this absurd and fruitless attempt is the only aim, object, or justification of this sliding-scale. On this the real question at issue rests. I will trouble your Lordships with a reference to but one passage more, and to this I am only encouraged by your Lordships undeserved kindness. The document I am about to read may, perhaps, be objected to, because it proceeds from men not more eminently practical than they are philosophic. The extract is from the hand-loom weavers report, a report which bears the signatures of Mr. Senior and Mr. Jones Loyd. Mr. Loyd is one of the most experienced merchants, and one of the wisest men of the day; Mr. Senior, one of our most enlightened economists, and if on such a question you will not consult such men, where are we to look for higher sources of information? What was stated in their report was the more important, because it was written before the scheme of the late Government was made known, I know, at least, that those who prepared the report were not aware when that report was proposed what would be the nature of the financial measure of the late Government. The report describes an improved sliding-scale like that of the present bill in the following terms:—

> "It is clear that this plan is affected by nearly all the vices of the present law. Like the present law, it endeavours to keep corn at an artificial price. Like the present law, it must prevent any steadiness in the corn trade. A duty rising as the price of the commodity falls, and falling as it rises, that is to say, diminishing as the value of the article increases, and increasing as the value of the article diminishes, is a monster of fiscal legislation reserved for the corn trade. Such a measure might have been supposed to be intended for the purpose of excluding from that trade all men of capital and prudence, and tempting into it the gamblers of commerce. The two great evils of average high price and fluctuation would probably continue if Mr. Canning's bill, or any other measure founded on its principle, were adopted, though, of course, in proportion as the scale of duty were lowered those evils would be diminished in degree."

Such are the opinions of practical men, expressed before the change of Government, and therefore wholly uninfluenced by party considerations. It is to opinions like these, and to such authorities, that the attention of Parliament should be directed. There are, however, more important interests connected with this question than the mere interests of finance. The permanent prosperity of England depends upon the maintenance of her commerce and manufactures. True, it is, that certain politicians and certain theorists consider that we should have been a happier, though a poorer nation, had we continued in a simple social state. Such persons are ready to suggest that we have done wrong in fostering a large manufacturing population. But what would have been the result of such a destiny had it been our's. We might, indeed, have been

> " Mild Arcadians ever blooming,
> Nightly nodding o'er our flocks"—

but we never would have become a great nation. To enable this country to make head against its enemies in perilous times

—to enable the noble Duke opposite to achieve those triumphs which led to the peace of Paris, and restored the balance of power in Europe, it was necessary to put forth all the resources of the country in support of the mighty destinies which it has been the pleasure of God that England should be called upon to accomplish. But to pass over the question, whether Manchester and Birmingham, and the great marts of our domestic industry, ought to sink into the condition of deserted villages, to pass that over as a question which does not deserve a serious discussion, still there are other considerations to be disposed of, of yet more awful import. We might possibly, though I do not believe it could be so, afford to part with our wealth and to cast away our power; we might, if we were mad enough to do so, lay aside all our splendour, all our glories —but there is one sacrifice we cannot make, one risk we dare not incur, we cannot, with any safety, allow a system to continue long which separates the higher and the lower classes—which places the Legislature, the highest authority in the State, in a position of appearing to make laws for the benefit of its own members, against the feelings, against the interests, and against the very existence of the mass of the people. This is the danger which you have now to consider. Sooner or later, and may it be sooner rather than later, the corn question will be set at rest. That question is sinking on a sliding-scale at the present, and must ultimately sink to its natural level, before it could remain in repose. I believe, that repose will only be found by the entire abandonment of the very word protection. My noble Friend near me (Earl of Rosebery) has this night declared a change of opinion; so I may be permitted to acknowledge a change of opinion likewise. I am on reflection persuaded, that there can be no permanent rest, no quiet, no safety with reference to this subject, until the trade in corn shall be as free as air, so far as protection is concerned; and I am as thoroughly satisfied that, looking to the natural consequences of the increasing wealth and advancing population of the country, the agriculturists are the individuals who, of all others in the community, will have the least cause for regretting such a result. I do not believe, that the effect of throwing open the trade in corn will be the cheapening of bread to the consumer to any very considerable extent. Lord Ashburton had contended, that the law of 1815 would increase the price to the consumer to the extent of twenty-two millions sterling. That appeared to me a great exaggeration. I believe nothing of the kind. The benefits which I expect to derive from a free-trade in corn are, a settled trade, steady employment, the absence of any disturbance of the monetary system, and, to the agriculturists, all the advantages which must result from an improved home market. Your Lordships may struggle against this measure as you have done against many others, but this struggle, however prolonged, will be ineffectual, and in the end freedom of trade will be established.

Lord *Brougham* said, that upon the whole he approved his noble Friend's resolution, and was prepared to vote for it; but he did so comparatively, in the same way as he had voted on the bill of last night, as compared with the existing Corn-law. In like manner he regarded his noble Friend's resolution as a considerable improvement on the bill then before the House. He preferred a fixed duty to a sliding-scale, because he thought a fixed duty had some, not very many perhaps, but some characteristics which sufficed to distinguish it from, and give it the superiority over a sliding-scale; but, notwithstanding this, if he were to say, that he regarded a fixed duty as framed on any scheme of sound policy, or that it was according to sound principles of commercial legislation, or according to sound principles of legislation for agricultural protection; above all, if he were to say, that it was framed on sound principles of legislation as regarded revenue and finance, he should say, that which was perfectly foreign from his thoughts and should, out of courtesy, towards his noble Friend, act contrary to his sense of duty. As regarded protection to agriculture, he had always held that we had no right to give agriculture such a protection as was given by the sliding-scale; and, that agriculture had no claim to it at our hands. That was his opinion of the sliding-scale; and with respect to a fixed duty, he could not see that it gave much protection either to the consumer or the agriculturist. But he had to complain that the resolution of his noble Friend avoided specification; it simply called upon the House to affirm the abstract proposition that a fixed duty was better than a sliding-scale. It might be said, he thought, without captiousness, or hypercriticism, that the question depended a good deal on what fixed duty and what sliding-scale meant. Both ought to be ascertained before we are called upon to choose between the two. He could prefer a fixed duty of 8*s*. to an unknown sliding-scale, or he could prefer a known sliding-scale to an unknown fixed duty; but he felt that considerable difficulty was imposed by the vagueness of the resolution on those who were most unfavourable to the sliding-scale; and most favourable to a fixed duty. However taking the fixed duty to be one of 8*s*. a quarter, and the sliding-scale to be that in the present bill, then he thought, that the fixed duty was somewhat the better of the two; because it was not subject to all the same disadvantages of shifting prices, and particularly, because it did not give the same facilities to jobbers, and still more, that under a fixed duty the country between harvest and harvest of any particular year, might be better supplied than under the present system. These advantages entitled his noble Friend to his vote in support of a proposition asserting the preference of the one over the other. But their Lordships must not deceive themselves, and so lay the foundation of future disappointment by exaggerated hopes of the effects of a fixed duty. As compared with a sliding-scale, in increasing a permanent supply of foreign corn, he thought a fixed duty would have no beneficial effect whatever. It would not promote a free-trade in corn, nor be the means of increasing the cultivation abroad, for the purpose of carrying on that trade, and of supplying our market; for he was as convinced of this as he was of any proposition in arithmetic, that there was no difference between a fixed duty and a sliding-scale in this respect, that is to say, in extending our resources in the foreign market, or increasing the quantity which would be grown abroad to supply the English market. For on what did the quantity imported depend? On the estimate formed by the grower and the merchant of the profit which they were likely to make by the growth and transport of their corn to this country. That calculation must depend on the price at which they would be enabled to grow the corn, ship it, and convey it to this country, and the sliding-scale was said to sin against our interests and theirs (which were identical in this respect), by making it impossible for these parties, namely, the grower and the merchant, to ascertain what amount of duty he would be called upon to pay here on any given shipment. Now, there was no doubt that under the sliding-scale these parties could not know this, because the sliding-scale apportioned the duty according to the existing price in this country, and unless the foreign merchant could ascertain what that price was, it would be impossible for him to ascertain what duty he would have to pay. But suppose the foreign merchant could know what duty he was to pay; that is, suppose he knew that he was to be subjected to a fixed duty, would the knowledge of what he had to pay as duty and the price to the grower, and the cost of shipment and transport, make him ship his corn any the more readily, unless he could be sure of getting a price at which he could sell his corn to advantage when it had arrived here? Certainly not; but if he knew what the price was to be at which he was to sell as that price governed the duty, it was utterly immaterial to him, in this point of view, whether a sliding-scale or a fixed duty were established. If he knew or could estimate what was the price at which he was to sell here, then the sliding-scale told him the amount of duty, because that duty was apportioned to the price, and, therefore, having the price, he would know what was the duty; and if the price was unknown, a knowledge of the fixed duty was wholly useless. To take an illustration. The price of wheat at Dantzic being 40*s*. a quarter, and the merchant and grower were about to calculate what would be the cost of shipping and landing it in this country. Putting the cost of the conveyance at 5*s*., the question would be, what was to be the duty? "Then," said the advocates of a fixed duty as preferable to a sliding-scale, "the foreign merchant cannot ascertain what he must add to the 45*s*., in order to find what ought to be the selling price, because he don't know under the sliding-scale what the duty is to be when he gets here." But suppose there was an 8*s*. fixed duty, then the foreign merchant knew exactly what was the whole cost of bringing his corn to market, by adding 8*s*. to the 45*s*., that is to say, that 53*s*. was the whole cost. But would that enable him to tell whether he could afford to bring his corn to this country? No such thing. He had yet only got one side of the account, because he had only calculated the cost, not the profit; and therefore he could not tell whether the speculation would be profitable, or whether there would be no profit, or a positive loss. But he knew this as well from a sliding-scale as from a fixed duty, if he knew the price in this country. It was necessary to know the remainder obtained, by subtracting the whole cost from the gross price. Part of the subtraction being variable and depending on the price, did not make it at all now difficult to tell the amount of that remainder. The subtracting was just as necessary to be known as the subtraction; till that was known the remainder could not be ascertained; and the moment it was known, the subtraction and consequently the remainder became known as well by the sliding-scale as the fixed duty. For these reasons, he was not one of those who expected that a fixed duty would increase the amount of foreign corn grown, which would be obtained for this country. Now, with reference to the bearings of his noble Friend's resolution on the three resolutions which he (Lord Brougham) was about to propose. As to the first,—namely, that which stated that no duty whatever ought to be imposed on the importation of corn for the purposes of agricultural protection—having so lately as last night addressed their Lordships on that question it would be unbecoming in him to add another word; but with respect to the financial question, he knew that some persons had preferred a fixed duty with a view to not to protection, but to revenue. Was corn a fit subject for taxation? Was that article of prime necessity, which formed the bulk of the food of the people, a fit subject for taxation, whether taxed in the dark by a graduated scale, or, he would not say in the light, but in the somewhat less thick obscurity of a fixed duty? He declared it was not a fit subject for taxation, because the tax was a poll-tax, paid by the poor and the rich, but much more by the poor than the wealthy, and falling more heavily on those whose resources were the more slender. It formed a considerable portion of the expenditure of the poor man, but was, as compared with the luxurious expenditure of their Lordships, a paltry trifle. It was also a poll-tax eminently uncertain in its operation, whether going under the name of a graduated scale or a fixed duty. It depended on the winds, the weather, the seasons, whether the Government should levy one farthing of this duty. He had always understood, that one great quality of a tax was, that it should enable you to be sure of it when you wanted it; but it might happen, in the case of this tax, that the fates, that was to say the wind and the weather, would order that not a farthing should be levied. The expenditure of the country, however, did not wait on the seasons; there was a pretty steady current of expense always setting in, and the Treasury could not depend for supply on the steadiness of the winds. Beside the quality of certainty, he had always understood that one of the best characteristics of a tax was, its taking the least out of the pockets of the people, in proportion to what it put into the coffers of the Treasury; and he had always been accustomed to look upon that as the worst tax which took the most from the people, in proportion to what it gave to the Chancellor of the Exchequer. How did the tax on corn operate in this way? In order to raise, say as much as 8*s.* per quarter on foreign corn, they taxed all corn, not only foreign, but also the corn grown in this country. To raise 1,000,000*l.*, they must import 2,500,000 quarters at a duty of 8*s.* per quarter. The Treasury got the 1,000,000*l.*, but was that all that was paid? True, it was all that was paid at the ports, but not all that was paid by the consumer. Besides this, the people on every one quarter of home grown wheat had to pay, he would not say the whole 8*s.*, but a proportion amounting probably to 3*s.* or 4*s.* per quarter. And thus the operation of this tax of 8*s.* per quarter on foreign corn raised the price of wheat grown at home by 3*s.* or 4*s.* Thus, in order that the Treasury might obtain 1,000,000*l.* from foreign corn, 4,000,000*l.* or 5,000,000*l.* were taken out of the pockets of the people. Another objection to this tax was, that it had a tendency to raise the price of food all through the year, and if it did not, it would not operate as a protection. This effect, too, was produced, even where no revenue was raised from the tax. Now, when the price of food was raised, the revenue was injured in another particular; for the rise of the price of food had a tendency to lower the produce of the Excise, and even the Customs. Thus, a tax on food, whether imposed through the medium of a sliding-scale or a fixed duty, had a direct tendency, besides its pressure on the people, to lower the public income of the country. For all these reasons, he concluded, and the constant uniform experience of past times bore him out in the opinion, that if there was any one subject or article which ought to be exempted from taxation, it was that bread which formed the food of the people.

The Duke of *Wellington:* The noble and learned Lord who has just sat down, says, that this tax pressed on the food of the people. That assertion may be abstractedly true, but the question before the House has no direct connection with it. The noble Viscount (Lord Melbourne), in bringing forward his resolution, never contemplated leaving the agriculture of this country without some protection; particularly at this moment, and considering the state in which this country has been for some time. The noble Viscount thinks the best mode of protecting agriculture is according to the measure proposed by himself and his Colleagues at the end of the last Session of Parliament, instead of the bill as proposed in the other House of Parliament, and also submitted to your Lordships by my noble Friend near me. The noble Viscount looked at this, and very properly looked at it as a corn measure—as a measure for regulating and protecting the agriculture of the country. The noble Lord himself, and other noble Lords, looked upon it as a commercial measure, and argued both the measure of my noble Friend and that proposed by the noble Viscount opposite as commercial measures. The noble Viscount who has addressed your Lordship lately in a very able speech has argued it upon all grounds, financial as well as others, and he has in a certain degree been replied to by my noble Friend who has lately spoken; but, my Lords, that which we have to discuss to-night is what is the best mode of giving to agriculture that description of protection which appears to be generally understood in this House and the country to be necessary. To those who entertain that opinion there are a few exceptions. The noble and learned Lord who has lately addressed you is one. The noble Baron (Lord Western) is one of those who considers that corn ought to receive protection, and he objects to this measure as likely to be the cause of corn losing that protection; but the question which we have before us to-night, is to consider what will be the best mode of giving protection to agriculture. I confess, my Lords, I have always considered a graduated scale as the best mode of protection for the internal agriculture of the country, a scale of duties levied upon the importation of foreign corn, varying in amount according to the price of corn in the country at certain periods, to be ascertained by averages. It is perfectly true that, under the act which is now, I hope, about to expire, great frauds have been practised in taking the averages. Possibly the scale of duties gave occasion in some measure to those frauds, but I believe there can be no doubt whatever that great frauds have been committed, and complaints also have been made of the law in consequence of the existence of those frauds. Other complaints also have been made of the law, and for that reason I have consented to the adoption, or the proposition of this law, and I hope this law is so framed as to be free from the objections made against the other; that the averages will be more honestly taken and given to the public than they were heretofore; that the graduated scale of duties has been improved, so far as to avoid giving facilities to the practice of frauds, and at the same time to afford an adequate protection to agriculture—a protection which will give a price in this country nearly of the same amount as it has been known to be on an average of the last thirteen or fourteen years since the passing of the law which is now about to expire—that price which has been taken as the average, according to which a final arrangement ought to be made and constituted as the law of the country. My Lords, I say that, considering the arrangement has been made with the sanction of Parliament and the Government at a particular time, it is expedient, in considering the Corn-law of the country, and in making an arrangement for the supply of food to the people, it is desirable to consider that the arrangement has been made between these two sets, and not to allow, certainly, of such changes as would make any material alterations in the fundamental principles and provisions on which that arrangement was carried into effect. My Lords, I am one of those who have always considered that the law of the 9th George 4th has acted beneficially in attaining the objects which those had in view who recommended it to Parliament. The principle had been recommended some years previously to the adoption of the law of the 9th George 4th. It had been proposed during the administration of my Lord Liverpool. The principle was recommended in the administration of Mr. Canning; and a law was proposed on that principle, and the principle finally carried into effect in 1828, by the act of the 9th George 4th. I say that that measure has acted beneficially, according to the views of those who introduced it, in preserving the price of corn at a steady rate, from the period of its enactment nearly up to the present moment; for, notwithstanding what has been said by the noble Viscount at the Table, I contend that the price of corn has been as steady in this country as it has been in any other part of the world. Of course there have been variations. In any article which must vary according to the seasons, and the great element of the value of which is its quantity, the price must vary every year; but I say, that the variations in price have been as little as they have been in any other part of the world. The noble Viscount has stated that the variations in other parts of the world have been occasioned by the variations here; but I say, my Lords, that the noble Viscount in saying that, stated that which he could not exactly prove. There were parts of the world in which variations of price are given as having occurred between which and this country there was no relation whatever in corn. For instance, France. There was no relation between this country and France whatever with respect to corn. There are other parts of the world with which we have very little intercourse in corn. There is very little intercourse of that nature between this country and Holland, and there are variations in Holland. The price of corn stands in Holland very much on the same ground as in this country, a great deal is grown. and a great deal is also imported. At Rotterdam it depends solely on commerce. At Amsterdam a great deal of corn grown in the country is consumed as well as a large quantity imported. Therefore the corn trade in Holland stands pretty nearly on the same ground as in this country; and the fact is, (I am now arguing against the statements that variations of price here have been the cause of the variations in other parts of the world), it can be no such thing, and the noble Lord, said what he had no authority for, because in many places with which we have no communication, variations have occurred. In any of these cases there can be no communication between this country and those countries in which these variations take place. Therefore, I say, the bill has produced as steady a price in this country as has been known in other parts of the world. Go where you will, go to the United States, go to Russia, go to Prussia, or to the other parts of Europe, go where you will, and you will find a great variation of price, a variation exceeding that existing in this country. But, my Lords, then the noble Viscount who spoke lately has thought proper to announce an opinion regarding the sliding-scale, which he calls an absurdity. The noble Viscount may have very good reason for stating so; but, begging the noble Viscount's pardon, it has been always known in the corn-trade of this country. There was a corn-law in this country previously to the year 1794. That was a corn-law also depending on a graduated scale of duty, depending on the state of the prices in this country. It has been invariably the case, and it is applicable to every article the quantity and quality of which depends on the state of the seasons. I say that a price graduated according to the price existing in the home market is actually necessary in order to be able really and truly to give protection. Now, my Lords, the noble Viscount opposite, and the noble Lord who has supported him, insist upon it that a fixed duty would answer the same purpose. My Lords, I will not now complain that we have no knowledge of the amount of fixed duty. I argue for the principle. The amount would, doubtless, have some effect on the question; but what I contend is, that a fixed duty could not be maintained at a time when prices became high, a circumstance which was so strongly felt that I understand recently, when the question was discussed in another place, the noble Lord who discussed it there admitted that when prices came to a certain rate it would be absolutely necessary to reduce the duty by degrees, which is by gradation, in proportion as the price should approach the highest price at which corn ought to be sold in this country. But, my Lords, I say that a fixed duty, when corn comes to be at its maximum price, which I take at 70*s.* or 72*s.*—a fixed duty in that case is very much like that state of legislation in which corn is protected by a prohibition till it comes to a certain price, in short, as it was during the period when the law of 1815 was in force—that is, when the price approached 80*s.* the ports were to be open. My Lords, I have had a little experience in office in this country, and I confess I should be very sorry to see similar circumstances existing in future of which I have seen the example heretofore. My Lords, on several occasions, notwithstanding that the law required that the ports should continue closed until the price came to a certain amount, I have known the Government under the necessity of opening the storehouses, allowing the corn therein stored, and kept under lock and key, to be sold in the market, as those who should administer the Government under the system of a fixed duty would find themselves under the necessity of doing, and of allowing the corn to come out of the stores without the payment of duty, when it should come to be beyond a certain price. When it should approach the price of 70*s.* the duty, I say, could not be maintained, and the Government would be under the necessity of doing that to which I have seen Governments driven heretofore—to open the doors in order to set free the corn which should there remain until the payment of duty. Then, my Lords, I say that those who apprehend that a fixed duty could not be maintained are quite right; for there is the example of what was the course pursued when the law was in a similar state to that in which it would be under the system of a fixed duty, when the price should be high. Now, the advantage, my Lords, of a sliding-scale is, that it executes itself. The price of corn is ascertained by averages published in the *Gazette,* and the law executes itself. As the price rises, the duty falls and comes at last to nothing; the Government need not interfere in any way at all. In the other case the Government would be called on to interfere. The noble Viscount said just now that the Government would not be required to interfere; that the consumer would gain nothing by its interference; that the person who would gain would be the proprietor of corn. That is exactly the case, my Lords. I am afraid that suspicions were entertained with respect to these transactions to which I have referred during the period when the law of 1815 was in existence. It was suspected that large fortunes were made, and that the Government were parties to it. There certainly was no foundation for the suspicion; but we ought to take care not to adopt a system of laws which may place the Government in the state of being obliged to adopt such measures, and thus to become liable to such unfounded suspicions. I therefore contend that, as a measure of protection, the fixed duty would become nugatory, and those who, like the noble Viscount, to do him justice, who wished to see the existing relations between landlord and tenant maintained, should take care lest they expose themselves to disappointment by adopting a fixed duty as a protection to agriculture, instead of a duty based on a graduated scale varying according to price. We have heard of the interference of the Corn-laws with the commerce of the country. My Lords, I have no reason to believe, and the documents laid on the table give no reason to believe, that that was the fact. No man laments more than I do that the commerce and manufactures of the country should be in a state of embarrassment; but I believe that if the Corn-laws were repealed to-morrow, not a yard more of cloth, or a pound more of iron, would be sold in any part of Europe or the world, over which this country does not exercise control. The states of the greater part of Europe have adopted measures to encourage manufactures. These measures had not been adopted, as was stated by some persons, in consequence of the English Corn-laws. They were to be attributed to the feelings excited by this country in the course of the last war; by its great and noble exertions, and the power and expense which it exhibited on all occasions. Those who contemplated those exertions, and those who were relieved and assisted by them, thought that they might as well follow the example of such a power, and establish and encourage among themselves a system of commerce. They followed our example, and they established for themselves manufactures and commerce. I believe that in those countries, do what we will with the Corn-laws, repeal even all duty, we may purchase their corn with our money, but as to getting it by way of barter, or selling to them a yard of cloth, or a pound of iron, or any other article of merchandise, it is out of the question, except under special conventions and bargains respecting our commerce. In respect to the commerce and manufactures of the country, I must say that the state in which they appear to have been hitherto, according to the papers laid on the Table of your Lordships' House, is no proof of the injurious operation of the Corn-laws. Since 1828, the period at which this law was enacted, the exports of the produce of the looms and forges of this country are ascertained by the accounts of the official value, which is the only way of judging of them, to have been nearly quintupled. It is true that individuals connected with manufactures are in distress. I have been concerned to read the reports of the commissioners who inquired into the state of the hand-loom weavers, and also the reports of the conversations which had occurred between some of my hon. and noble Friends and certain gentlemen who were lately in this metropolis, on the state of the commerce and manufactures of the country. If any man reads those reports, and considers the statements in them, he will see clearly that the distressed state of the manufacturers is to be attributed to anything except the Corn-laws; and that it is to be attributed chiefly to the increase of machinery, which has come into competition with individual manufacturers, put them out of employment, and reduced their means, and not to the price of corn or the state of the Corn-laws. My Lords, I do not complain of machinery. I consider that machinery has advanced the manufactures of the country, and has been the cause of the state of the export returns to which I have just now adverted. But we must not conceal the fact that, in their progress towards that state of improvement, they have reduced individual manufacturers, and that the improvements in machinery, which are continuing daily, are one of the causes of the competition which exists, not only between one part of the country and another part, and one townland and another, but between individuals in each town. So that it is difficult to find markets to take of all the merchandise and manufactures which are produced by this machinery. Those countries which are supposed to be now become the rivals of this country in consequence of the state of our Corn-laws, have found markets for the produce of their manufactures through the political operation of measures of ours, and not by means or in consequence of the Corn-laws. They have found markets in the South American states. Nearly about the time those manufactures were established in Germany, Russia, and elsewhere, the South American states declared their independence, and that independence was recognised by this country and the United States. Immediately after we had recognised their independence, their ports were opened to the merchandise of Germany and Russia. Markets were thus found for those manufactures which were established on the example of our own, and not on account of the existence of the Corn-laws. I shall now say a few words as to the views of those who desire that we should depend solely upon our own supply of provisions for the people of this country. I am one of those who always wished that the agriculture of this country should be promoted as far as possible, with a view to render this country as nearly independent as could be of supplies from foreign countries. I know that, with our population increasing as it does every year, and increasing also as it does in wealth, it is impossible to expect that we should at any period have our agriculture in such a state as to enable us to rely upon it exclusively for the supply of our wants. But I beg your Lordships not to lose sight of the necessity of maintaining the prosperity of the agriculture of the country; and your Lordships must never forget facts which are important to this part of the question. The noble Viscount (Viscount Melbourne) has compared the state of the country to the state of the Romans and Athenians in former times. I beg your Lordships not to look quite so far back. You will find an example more analogous to the question in the situation of this country within the last few years. If I mistake not, you have on the records of this House an instance of one sovereign in Europe levying a duty on the export of corn from his dominions purposely because he found the price of corn was high in this country. I beg your Lordships also to recollect the state in which the great source of supply, Poland, was during the whole course of the late revolutionary war in Europe. I would have your Lordships recollect what was the state of Poland only in 1830, during the insurrection in that country. I would have your Lordships recollect that your supply of corn depends upon the state of tranquillity of the people residing upon two or three of the large streams running to the Baltic. I would have your Lordships recollect that only last year, when this country was in want of a supply of corn, supplies of corn were nearly at the same time required in different parts of Russia, and that proclamations were issued forbidding the export of all sorts of grain from Russia. These are circumstances which I beg your Lordships to bear in mind in deciding upon this question; and do not imagine that you can at all times have from all parts of the world all the corn which you may require. I do not mean to say that you should depend solely upon your own resources. On the contrary, I know you cannot go on without having a supply from foreign sources of at least 1,000,000 of quarters annually, and in all probability the necessity for such a supply will go on increasing to a still further extent. But I entreat your Lordships to provide for the prosperity of the agriculture of the country—to maintain it in the state in which it has been for the last fourteen years, and not to imagine that you can venture to rely entirely upon the supplies which you may derive from other parts of the world. There is only one other point to which I wish to advert; and that is to the influence of these laws upon the state of the currency of the country. It is perfectly true, that when large sums of money are required to be exported from this country at a period in which the bank is in a state of difficulty, in exchange for foreign corn imported, the sending out of those large sums of money must necessarily aggravate the difficulties of the moment. But I believe that it remains to be proved, that the state of the Corn-laws has been the cause of many of these inconveniences. I believe that they have been produced by other circumstances. I certainly admit, that if large sums of money are required to be sent out of the country in payment for foreign corn, the difficulties of the Bank would be aggravated. But I really believe it will be found, that foreign corn under the system of the graduated scale is always in the course of being imported into this country, and that the demand for corn —that is to say, the demand for the introduction of foreign corn into the home market, by any failure of the English harvest, or from any circumstance giving rise for an extraordinary supply of corn in any particular part of the country—does not require the transmission of any large sums of specie to foreign countries. Whatever foreign corn may be required is introduced into the market simply by opening the doors of the magazines and store-houses. It is paid for by the internal currency of the country. It is true, that to replace it, would require the transmission of money abroad; but that is done by degrees. It is not proved that the introduction of large quantities of foreign corn into the consumption of London at certain periods, has, at the same time, required the transmission to foreign countries of very large sums of specie. Therefore, I contend, that here again there is no ground for opposition to the graduated scale. The old law appears to me to have been the means of maintaining the prosperity of the agriculture of the country for the last fourteen years—the means of maintaining it in that state in which the noble Viscount (Viscount Melbourne) very properly declared he wished to see it continue. I believe, that the system proposed by my right hon. Friend (Sir R. Peel) is the system upon which your Lordships ought to act. Therefore, under all the circumstances, I recommend your Lordships to say "not content" to the resolution proposed by the noble Viscount (Viscount Melbourne), and to support the motion of my noble Friend for the committal of this bill.

The Marquess of *Lansdowne* assured their Lordships that they had the best security for his not troubling them for more than a very few minutes upon this question, important as it was, in the speech of his noble Friend who sat behind him (Lord Monteagle)—that speech being in his (the Marquess of Lansdowne's) estimation unanswered and unanswerable—a speech pursuing the subject into all its ramifications, into which no person had attempted to follow, and which, if it had not convinced their Lordships of the fundamental vice of the system which at present prevailed—of its mischievous tendency and utter inefficiency, he (the Marquess of Lansdowne) knew of no arguments that he could use which would bring them to a conviction upon the subject. But it might save their Lordships' time on future occasions if he took that opportunity of stating in a very few words why he intended to vote for the motion of his noble Friend (Viscount Melbourne), and voting for that motion refused to concur in any proposition for doing away at once with all duties upon the importation of foreign corn. He entirely agreed with those who wished the application of the principles of free-trade to be universal upon all subjects and all commodities, corn included; for he should not doubt the power of the agriculturists of this country to contend with any grower of corn in Europe, were it possible at the same time so to reform the financial system of this country at one sweep as to make the application of capital upon free and equal terms to all manufacturers, corn included; for the growth of corn was to be considered a manufacture as much as any other branch of industry requiring the investment of capital. But he could not admit that it was a fair application of the principle of free-trade to say to the man who invested his capital in the threshing machine, in draining machines, in any of these appliances to which in a rich country, capital was directed to promote the growth of corn —that he should not be protected in the same degree as the man who employed his capital in other branches of manufacture. On the contrary, he conceived that upon every principle of free-trade, their Lordships ought to remove all partial interference with the course and direction which capital might take, and that they should deal out with an equal hand the protection which the necessity of collecting the revenue of the country imposed upon them under the existing financial system. He should hold it as the most fortunate circumstance that could occur in the history of this country, were they able to dispense at once with a system of finance which required them to raise a revenue from the application of all capital to all purposes of manufacture; but he should only be prepared to do away with it in any one branch of manufacture, when he was enabled by the state of the country (a state which he feared was far off) to make such a revolution in the financial system as to do away with all customs duties, and to relieve the application of capital from the imposition of any tax of any kind. The impossibility, in the present state of things, of adopting such a sweeping course, would prevent him from giving any vote in favour of immediately doing away with all duty on the importation of foreign corn. But with the admission that night made by the noble Duke (the Duke of Wellington), and recently made by other eminent persons, that it was no longer an object attainable by the act of legislation, as had sometimes been hopelessly held forth in both Houses of Parliament, to render this country wholly independent of foreign nations for a supply of corn. With that admission from the noble Duke, he could not conceive that their Lordships could hesitate to adopt as an immediate consequence the expediency and necessity of making the country depend for the supply its wants demanded upon the soundest principles of commercial intercourse. He owned he was astonished when he heard from noble Lords, and especially from the noble Earl at the head of the Board of Trade (the Earl of Ripon), the extraordinary proposition that, whereas in all other articles which the necessities of the country did not absolutely require, it was expedient to rely upon the broad principles of commerce, because they were the best; yet, when they came to that particular article which of all others was the most needed, they were to discard those broad and wholesome principles, and to have recourse to an experiment—ingenious enough, no doubt, but which in practice had been found to be an utter and hopeless failure. The noble Duke (the Duke of Wellington) in defending the present measure, had declared that the effect of the old law had been to maintain the average price of corn in this country at a more equal rate than in any other country in Europe. He did not know upon what authority the noble Duke made that declaration; but he had in his hand a carefully prepared statement drawn up by Mr. Hubbard, an adherent of the noble Duke's and connected with those who supported the present Government, but who had sifted this subject in every one of its branches; and Mr. Hubbard, in that statement, comparing the average prices during the whole range of the period that the noble Duke's bill had been in operation, that was to say from 1829 to 1838, and comparing the variations of price in England with the variations of price in ten of the other countries of Europe, distinctly showed that the variations of price in England had during that period, been much greater than the variations in any other country of Europe. Mr. Hubbard showed that whilst in England the variation had been from 48*s.* to 64*s.*, being a difference of 16*s.*, the variation in the other countries of Europe had not exceeded 10*s.* or 12*s.* This statement was before the public, and afforded a striking illustration of the defective and injurious operation of the system of the sliding-scale. After the vote of the previous night, he (the Marquess of Lansdowne) looked upon the old Corn-law as abolished; and he certainly was not surprised at the evident anxiety of the noble Lords opposite to get rid of it; for however much those noble Lords might desire and endeavour to disguise the fact, it was manifest that the old law in every part of it had been completely wrong. And he might perhaps, with the more propriety, speak of the bill as nearly defunct, because, although another and a similar bill was to be constructed on the foundation of the expiring measure, yet he had an admission from noble Lords on the other side that in coming down to their new fortification they were choosing a fortification differing in dimensions, differing in extent, and differing in position from that they had previously occupied. It was now admitted, too, that the existing bill was wrong in all its points of detail. He remarked, that when, on a previous occasion, he had pointed out the faults of the system of averages, the noble Duke had said, that those faults were faults which the Government should correct, which it was their office and their duty to amend. Why, the noble Duke was now in his own person finding fault with the system of averages. He now said, it was out of the power of the Government to correct the evil, and he came down to solicit their Lordships' assistance in providing a remedy. It was now found out that averages were wrong and defective—that the list of places at which they were taken was wrong and defective—that the rests in the scale were wrong and defective, and that different rests ought to be substituted. These new discoveries were well worthy their Lordships' admiration, but what he admired even more was, the extreme confidence with which some noble Lords seemed to expect that this law, which had been again and again, and so repeatedly amended and tinkered up, was after a last repair to prove everything that was admirable, everything that was efficient. When one sliding-scale was found to have failed, they had had recourse to another—when one suit of clothes were found not to fit, they had made an exchange for another suit—they had gone in fact from pillar to post—within a comparatively short number of years they had had no less than six Corn-laws, every one of which had elicited the same warm approbation—the same confidence as to its being a final settlement—the same conviction that it would secure a remunerating price to the grower—the same hope that it would exclude foreign corn from our market; and every one of which had also proved in the end to secure no remunerating price—to shut out no foreign corn, and, at the last, to embody no final settlement. And, let him tell their Lordships, this would also be the case with regard to the measure now before the House. If there was one striking proof more than another, that such would be the result—if there was one thing more than another which showed that the public could not be expected to form a correct judgment of this bill until it was brought home, and until growers and consumers both began to feel its effects—if, he said, one thing more than another proved these things, it was that the development of the principles and details of the bill by the noble Earl, partial and incomplete as that development was, was attended with the remarkable circumstance, that among the supporters of the measure there was the widest possible difference of opinion as to what would be its probable ultimate effects. No two supporters of the bill appeared to be agreed in the estimate they formed of it. One noble Lord said, it would diminish the protection to the grower; another noble Lord, who, he believed, held a place in the household, was of opinion that it would take away no protection at all—or, at any rate, that it took away nothing but superfluous protection. It must be exceedingly gratifying to the feelings of the people to see these shillings taken off from the protective duty, whilst it afforded no advantage to them. They perceived that bread was not a bit cheaper, and that no more foreign corn came into the country; but they had the advantage of looking into the statute-book, and finding that some 56*s.* protective duty stood for some 60*s.*, and this ought to satisfy them for paying the same amount for their loaf. The noble Lord's argument really reminded him of the old lines,—

> "The wound is great because it is so small."

The boon is great because it is so small. And the manufacturers might well say,—

> "It would be greater were it none at all."

Some noble Lords had said the bill would effect no protection; others had said that it effected an immense protection. He referred to this difference of opinion, not because he thought it surprising or unnatural, but because the bill exhibited such complex machinery, that people drew different inferences with regard to its effects. He would ask their Lordships, they who had studied the subject, and some of whom were presidents of agricultural societies, others of them engaged in agricultural pursuits, and all of them acquainted with the subject, if they could not come to an agreement as to the effect which this measure would produce on corn, how were the farmers of England to tell beforehand what would be the effect of the law in making their leases and tilling their ground; and the chief object of the bill was to give confidence to the farmer in the relation of landlord and tenant. This measure would bring in corn in irregular quantities, and not as a regular trade, and would reduce the trade to gambling transactions. Though the advocates of the bill admitted the importance of the supply, and that the country could not do without it, they at the same time enacted that the import of it should be by gamblers, who ran the risk of double loss in order to make double gains to what they would under a regular system of trade. He therefore thought if this country was, as admitted by the noble Lord, destined by its position, wealth, and population—by a population which, far from being injured by machinery, was created by machinery, supported by it, and must depend on it for its future existence,—to depend on foreign countries, they must rely upon the regular course of direct trade, subject to those salutary and wholesome influences which had at all times made trade beneficial to all countries, and not to that uncertain, precarious, irregular supply, which it was the nature and object almost of this bill to perpetuate, as the mode by which this country was to be supplied, attended by the inconveniencies which he had pointed out to the merchant and farmer, and which his noble Friend behind him had so well elucidated. America and Russia had been referred to. America had supplied corn to other countries, when from the pressure of our Corn-laws we could not get any from her. The effect of the present system of Corn-laws was to narrow the field of supply as much as possible. It seemed to be obvious, that if we were to have any trade in corn at all, that trade should be founded on the principle of obtaining the returns as quickly as possible, and from as wide a field as possible, which the sliding-scale prevented. Even noble Lords themselves so discussed their own system. Were not butcher's meat and cattle partly the supply of this country? In God's name, then, if there were any inherent virtue in the sliding-scale, why was it not applied to oxen and sheep, and beef and mutton? Why not let the poor grazier have the benefit of the sliding-scale, as well as the poor farmer? But no they were to be left to the ordinary rules of commerce. If there were any choice between the two, the sliding-scale would be far preferable as applied to sheep and oxen, as it would only affect the supply from countries near home; whilst a satisfactory supply of corn must come from a very wide field, and from distant countries. He therefore, said, that noble Lords were afraid of their own system; and the reason they had for introducing the sliding-scale into this bill was because it had been introduced before. The sliding-scale was not connected with anything like steadiness of price in this country, but it had created greater unsteadiness in price in this country, than had prevailed in any other country during the same period. He must implore their Lordships, while he admitted the necessity of retaining some duty on corn in the present state of the finances of this country, to recognize in the trade in corn the principles of trade which prevailed in our commerce. He knew that it was flattering to the ingenuity of a Chancellor of the Exchequer to invent a system of rests and stops, which it was supposed would insure a regular supply; but that system had failed in the hands of others, and it was no disrespect to those at the head of affairs to say that it might fail in theirs also. Whilst he admitted in some degree the necessity of retaining some duty upon the importation of foreign corn in the present state of the agriculture and of the finance of the country, he implored their Lordships in respect of that particular commodity, to rely upon the same ordinary, sound, and recognised principles of trade as were applied to other articles. He had once heard a remark made by a very eminent man, well known to the noble Duke opposite, he alluded to Talleyrand, which had struck him much at the time. It was, that there was a certain person more clever and more wise than the wisest and the cleverest man the world ever knew; wiser than Newton, Bacon, or Locke; and that person was "everybody"—a personage, who in the end, prevailed over the most ingenious individuals; and so he feared that it would be found in the present case. The provisions, the cunning ingenious provisions of the bill might meet with great applause in that House, but they would come to be sifted, to be examined, and in the end, defeated; and the country would not have the benefit of that regular supply which it should be the object of their Lordships to procure to it. He had heard in the debates which had taken place upon the question much said as to what was a remunerating price. He confessed that he never could understand what the meaning of the term was. To whom was it intended to apply? To the farmer on clay soils or on flinty soils—to the farmer with a large, to him with a small, or with no capital at all employed in his operations? These were all different contingencies which might, and which did happen, and he defied their Lordships to lay down any price, as a remunerating price, which could be secured by act of Parliament. If there was any meaning in remuneration, it must mean that remuneration secured to the grower of wheat by the capacity of the people to purchase it, and it was by promoting that capacity, by supporting manufacturers, by securing a good mart for their wares abroad as well as at home, that the Legislature alone could secure to the agriculturist that return for his capital, which was the foundation of his real prosperity. Let the people be enabled by means of brisk and extended trade to purchase wheat, and all remunerative prices provided by acts of Parliament would be unnecessary; but if the people were not able to purchase, if manufactures fell off, then that remunerative price would also die away, and all the clauses, acts, rests and averages, by the contrivance of which a certain price was vainly sought to be created and maintained, would be found to be utterly useless. It was by these means, by extending trade, that the prosperity of the country was to be maintained, and the increasing population, which could not subsist upon the resources of this country alone, but which must depend upon the resources of others —upon resources which had never as yet, even when this country was assailed by its greatest enemy, failed, and which would not fail them now—he said that it was only by applying to these resources that that increasing population could be maintained; for if it was wrong to allow any foreign country to have the means of exciting dissatisfaction in this, it was in the power of America—of that country sometimes suspected—he trusted she was not —but which was sometimes suspected of being hostile to them, it was in her power if she was willing for the purpose to sacrifice her own interests, to excite, by stopping the supply of cotton for one year, more dissatisfaction, more tumult, more starvation than would be occasioned by the stoppage of the supply of corn from any one state of Europe in ten years. But yet they were actually told in the face of facts like these, that this country ought to be independent of foreign nations! It was on entirely different principles they must rely. It was by adopting the principles of his noble Friend (Viscount Melbourne) that they would perform their duty in a way the most reconcileable to the principles of sound trade, and the ultimate prosperity of the country. But if they adopted the principle of the bill before their consideration—a bill which he admitted to be certainly better than its predecessor, they were adopting a principle and a measure which would neither be satisfactory or final.

The Duke of *Wellington* rose to explain a statement which had been made by the noble Marquess with reference to what he (the Duke of Wellington) had said in regard to the mode of preventing frauds in taking the averages. He had not said that it was the particular duty of the Government of the day to put an end to them without the interference of any legislative measure; what he said was, that, if it should be found necessary to introduce a new measure upon the subject of the Corn-laws, he trusted that they would have the assistance of the noble Marquess in modelling the measure, so that the frauds committed in taking the averages would be prevented.

Lord *Fitzgerald* thought the whole character of the proposition of the noble Viscount (Viscount Melbourne) depended upon the degree of protection which should be afforded; and as there was nothing definitive in it upon this point, it was impossible to discuss the proposition. The noble Viscount stated the amount of protection which he would afford at 8*s*., but added, that if the landed interest considered that was not sufficient, a larger amount of protection might have been given. The noble Viscount being then the First Minister of the Crown made this admission; but how could he reconcile this with the speeches of the noble Lords by whom he was supported, some of them being in favour of a complete free-trade in corn? Why, with this fact before them, did noble Lords taunt those on his (the Ministerial) side with supporting the present bill by conflicting arguments? His noble Friend (Lord Monteagle) expressed it as his opinion, not only that a fixed duty could be maintained, but that it could be maintained with the consent of all parties interested. Did his noble Friend still continue of that opinion? He would ask his noble Friend how he would maintain a fixed duty under such a state of circumstances as existed between the years 1790 and 1800. When the Legislature had almost, as it were, prohibited the consumption of wheaten bread, did his noble Friend think the Government could or ought to maintain a fixed duty? There were two or three other points which had been urged with considerable force by his noble Friend, which were entitled to considerable weight. His noble Friend had illustrated part of his argument by the circumstances under which America had been placed; and his noble Friend as well as the noble Earl who had spoken early in the evening had dwelt upon the inequality of the laws as affecting America, compared with other states with which this country had a more rapid communication. His noble Friend had referred in pathetic terms to a conversation he had had with a most distinguished man, Mr. Webster, at a period when America was in debt to this country—when she was panting to pay that debt and desiring to liquidate what she owed to the British capitalist. His noble Friend had stated that Mr. Webster had mentioned that corn was uncut in America, which under other laws would have enabled that country to have paid her debt. Might he ask his noble Friend at what period that conversation took place? He believed that Mr. Webster visited this country in 1839 or 1840, and it appeared that in those very years 1839, 1840, and 1841, the ports of this country were open to the importation of American corn, and during those three years corn was every month taken out for home consumption. He remembered that in the last session of Parliament it was stated by a noble Lord in that House that a complaint had been made by a manufacturer in this country that his trade was interrupted, and his debt from America remained unpaid, in consequence of the proprietor of corn-lands in that country being unable to find assets, while if his corn had been allowed to come to England he would have been enabled to pay his debts. In answer to this, another noble Lord, who had since proceeded to America upon as honourable a mission as could be confided to any individual—he meant Lord Ashburton—observed, that he could ill understand the statement made, because, though it certainly might have been more convenient to the debtor to remit his corn to this country at the value he placed upon it, yet, at all events, he might have sold his corn and got rid of his liability, though he might not have been able to have remitted so much. It must have produced, if sold, a representative value which might have been remitted to this country, and have afforded (with all respect for Mr. Webster's opinion) some means for getting rid of that debt which America professed so earnest an anxiety to pay. Again, it was rather remarkable that his noble Friend opposite should have forgotten that America herself had Corn-laws in force, and that while she complained of the Corn-laws of this country, her own wheat-growing states had a duty of 8*s*., for the purpose of keeping out from her markets Canadian wheat! In the first place, then, he contended that it would not have been very difficult for America to discharge her obligations, and in the next place that the complaint of the English Corn-laws came with a very bad grace from those who themselves had an 8*s*. duty to exclude wheat grown in an English province. There were other points which had been urged by a noble Earl who had spoken early in the night, and who had argued the question upon grounds entirely of a different character, but upon grounds of an important character, and which ought not to be kept out of sight on the present occasion, he meant the great commercial policy of this question. His noble Friend had adverted to the impolicy of this country excluding the produce of other nations, and had argued that one of the consequences must be, the limitation of the exports of British manufactures to those countries. But his noble Friend ought to bear in mind that there was one country in Europe from which England took all the produce, except corn, it was able and capable of sending. From Russia, for example, this country received tallow and other produce without restriction and without restraint, and not only to an amount much larger than they received from England, but it so happened that Russia was the very country to which England exported least, though from her she received the most. And he doubted, with respect to Russia, seeing that England took so much larger a portion of her produce than she sent manufactures in return, whether the admission of corn from Russia would produce any larger exportation of those manufactures to that country. That must very much depend on the commercial policy of other countries as well as our own. The argument of his noble Friend was, that they only required to offer a steady trade in corn at a fixed duty to have an almost unlimited accession of exports to foreign countries. But with respect to Russia, he must say, that looking to the consular returns from Riga, there appeared little reason to suppose that there would be, at least for some time to come, any available increase in the quantity of corn to be exported to this country, and certainly not at the present prices, while, as he had already stated, our exports to Russia were by no means in proportion to our imports from that country. The noble Marquess had complained of the noble Duke in stating, that under the present system there had been less variation in the price of wheat here than in other countries; but he observed from a return which had been laid on the Table of the other House of Parliament, that taking England, Dantzic, and Rotterdam, the variations had been much greater in the two last than in England, so that the noble Duke was perfectly justified in his statement. The noble Marquess had asked why, if the sliding-scale were applicable to corn, it should not equally be extended to beef and other articles in the tariff? The simple answer was, that beef, cattle, and other articles of that description were not subject to the same variations with corn, caused by the vicissitudes of the seasons. And if this sliding-scale were applied to cattle, the lowest duty would attach to the dearest animal. The noble Marquess had concluded his speech by protesting, that he did not understand the meaning of what was called a remunerating price to the grower of corn. Undoubtedly it was extremely difficult to define what was a remunerating price, and how much of it belonged to the cultivator, how much to the landlord, and how much to the other parties engaged in the production of that article of sustenance; but if the noble Marquess admitted that any protection at all should be given to agriculture, the same objection applied whether a fixed duty or a sliding-scale were adopted. Upon the whole, he felt a strong conviction that the interests of agriculture, of commerce, and of the great body of the consumers would be better promoted by the adoption of the present bill than by any other proposition which had been made, and he therefore hoped their Lordships would support it by a large majority.

Their Lordships divided on the resolution; Contents present 49; Proxies 22—71: Not Contents 117; Proxies 90: 207: Majority 136.

List of the CONTENTS.

DUKES.
Norfolk
Somerset
Sutherland.

MARQUESSES.
Lansdowne
Anglesey
Normanby
Clanricarde.

EARLS.
Charlemont
Radnor
Clarendon
Zetland
Fitzwilliam
Cowper
Fingall
Fortescue
Scarborough
Lovelace
Rosebery
Uxbridge
Bruce.

VISCOUNTS.
Melbourne
Duncannon.

BISHOPS.
Durham
Ely
Worcester
Derry.

BARONS.
Brougham
Campbell
Colburne
Cottenham
Cloncurry
Portman
Lovett
Vyvyan
Denman
Strafford
Godolphin
Monteagle
Camoys
Poltimore
Kinnaird
Dinorben
Lilford
Wrottesley
Carew
Wenlock
Hatherton
De Freyne
Lyttleton.

Proxies:

DUKE.
Sussex.

EARLS.
Carlisle
Fitzhardinge
Huntingdon
Leitrim
Gosford
Minto
Sefton
Albemarle
Craven
Camperdown.

VISCOUNT.
Torrington.

BISHOP.
Hereford.

BARONS.
Bateman
Foley
De Maule
Sudeley
Leigh
Dormer
Berners
Methuen
Clifford

List of the NOT-CONTENTS.

ARCHBISHOP.
Canterbury.

DUKES.
Cambridge
Beaufort
Marlborough
Rutland
Buccleugh
Argyll
Newcastle
Wellington
Buckingham
Cleveland.

MARQUESSES.
Salisbury
Abercorn
Hertford
Downshire
Thomond
Ely
Exeter
Camden
Cholmondeley
Londonderry
Ormonde.

EARLS.
Devon
Denbigh
Westmorland
Winchilsea
Sandwich
Shaftesbury
Jersey
Morton
Moray
Home
Haddington
Dalhousie
Selkirk
Aberdeen
Orkney
Hopetoun
Dartmouth
Aylesford
Warwick
Hardwicke

Delawarr
Bathurst
Digby
Beverley
Liverpool
Cadogan
Malmesbury
Egmont
Clanwilliam
Mountcashell
Longford
Wicklow
Clare
Lucan
Bandon
Rosslyn
Wilton
Powis
Charleville
Verulam
St. Germans
Bradford
Eldon
Howe
Somers
Dunraven
Cawdor
Ripon

VISCOUNTS.
Strathallan
Maynard
Sydney
Hood
Gage
Hawarden
Canning
Canterbury
Lowther.

BISHOPS.
London
Winchester
Lincoln
Bangor
Rochester
Chichester

LORDS.
De Ros
Beaumont
Willoughby de Broke
St. John
Colville
Rollo
Middleton
Sondes
Boston
Walsingham
Kenyon
Braybrooke
Bolton
Blayney
Clonbrock
Redesdale
Rivers
Sandys
Castlemaine
Churchill
Prudhoe
Colchester
Ravensworth
Forester
Bexley
De Tabley
Feversham
Fitzgerald
Lyndhurst
Tenterden
Heytesbury
Seaton.

Proxies.

ARCHBISHOP.
York.

DUKES.
Richmond
Montrose
Dorset
Northumberland.

MARQUESSES.
Winchester
Tweeddale
Bute
Waterford
Donegal
Wellesley
Ailesbury
Westmeath
Bristol
Ailsa.

EARLS.
Stamford
Essex
Abingdon
Plymouth
Poulett
Airlie
Leven
Balcarres
Dunmore
Seafield
Harrington
Buckinghamshire
Egremont
Talbot
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Donoughmore
Onslow
Romney
Limerick
Manvers
Lonsdale
Harrowby
Brownlow
Glengall
De Grey
Amherst
Ranfurly

VISCOUNTS.
Hereford
Arbuthnot
Strangford
Doneraile
Ferrand
St. Vincent
Melville
Sidmouth
Lorton
Gort
Exmouth
Combermere.

BISHOPS.
St. Asaph
Carlisle
Oxford.

LORDS.
Clinton
Saltoun
Sinclair
Dynevor
Bagot
Rodney
Carteret
Berwick
Montagu
Bayning
Wodehouse
Farnham
Crofton
Alvanley
Ellenborough
Manners
Hill
Harris
Glenlyon
Delamere
Downes
Gifford
Wharncliffe
Cowley
Stuart de Rothesay
Wallace
Abinger
Ashburton
Keane.

PAIRED OFF.

Earl of Kinnoul	Lord Langdale
Earl of Cornwallis	Lord Stanley of Alderley
Earl of Carnarvon	Earl of Suffolk
Lord Reay	Lord Montfort
Lord De L'Isle	Earl of Erroll.

Their Lordships then divided on Lord Brougham's first resolution; when the numbers were — Contents 9: Not Contents 96:—Majority 87.

Lord Brougham then moved his other resolution, that it is inexpedient and unwise to tax the importation of foreign corn for the purposes of revenue.

The House divided: Contents 6; Not-Contents 87:—Majority 81.

The House then went into committee *pro formâ*, and resumed.—Committee to sit again on Thursday.

House adjourned.

HOUSE OF COMMONS,

Tuesday, April 19, 1842.

MINUTES.] BILLS. *Public.*—1°. Punishment of Death (Ireland); Civil Bill Decrees (Ireland); Turnpike Roads (Ireland).

Private.—2° Slug Road.

Reported.—Kingsclere Inclosure; Ormesby Inclosure.

3°. and passed:—Weston-super-Mare Improvement and Market.

PETITIONS PRESENTED. From Comber, and Kilmore, against the present system of Education (Ireland).—From Ballydown, and Moneyrea, for Rendering Valid Marriages solemnized by Presbyterian Ministers in Ireland between Members of the Established Church and Protestant Dissenters.

KINGSCLERE ENCLOSURE.] Mr. *Labouchere* brought up the report of the

Kingsclere Enclosure Bill. On the question that the amendment made by the Committee be now read a second time,

Mr. *Godson* said, the intention of this bill was to enclose a certain tract of common land. A similar measure had been before the House in 1834, when it was defeated; and, such being the fact, he begged leave, as shortly as possible, to advert to the circumstances of the case. The common fields in question consisted of 1,700 acres, and a few rich farmers and others who did not reside in the immediate neighbourhood, but who would be benefitted by it, were favourable to the bill; but a number of poor persons, he would say some hundreds, would be deeply injured if the measure were passed in its present form. To the following clause he wished to call the particular attention of the House, as being in his opinion most objectionable:

> "And be it enacted, that all encroachments and enclosures which shall have been made by any person from or upon any part of the lands to be enclosed within twenty years next before the passing of this act, whether any amerciament, annual rent, or any money payment or acknowledgment, hath or hath not been paid in respect of the same, to or for the use of the lord of the soil or any other person, shall be deemed parcel of the lands to be enclosed, and shall be divided, allotted, and enclosed accordingly. Provided always, that it shall be lawful for the several persons who shall be in possession of any such encroachment or enclosure, or in the receipt of the rent thereof, at the time of the passing of this act, to take down and remove all such buildings, fences, and other erections as shall then be thereon, and to convert the materials thereof to their own use, provided such removal take place within a certain time, to be limited by the commissioner for that purpose, by a notice delivered to the persons respectively in possession of such encroachments, or affixed upon some conspicuous part of such encroachment or enclosure."

He had read this clause to the House for the purpose of showing how unjust was the principle on which it proceeded; for nothing could be more unjust than that the lord of the manor or the freeholder should see individuals, from time to time, expending money on the ground, for five, ten, or perhaps fifteen years, and then turning round and telling them that, because they had not held it for twenty years, it should be taken away from them and enclosed; this was a proceeding which, he thought, ought not to be permitted. The people ought to be allowed to have a portion of this land at a moderate price; and he believed that in the committee on the Ormsby Enclosure Bill a proposition of that nature was carried; but no such thing was to be found in this bill. He should, therefore, move "that the bill be recommitted."

Sir *W. Heathcote* said, that with regard to the justice of the clause to which allusion had been made, he dissented wholly and entirely from the observations of the hon. Member who had just sat down. He did not see the necessity of drawing a distinction in this case other than that which the law of the land had generally laid down, which required a possession of twenty years; and he could see no ground for giving to wrongdoers advantages which the law denied to them. With respect to the light in which the measure was viewed, he begged to observe, that he had presented a petition in favour of the enclosure signed by 200 labourers. Those persons knew that work and employment were wanting in that neighbourhood, and they felt that this measure would immediately bring a considerable quantity of land into cultivation. He had also presented a petition, signed by seventy-seven individuals of the higher class, in favour of the bill, which they approved of with reference to its general principle. The general principle of the bill had been sanctioned on the second reading. It was then sent to a committee, where there were two points to be considered;—1st, whether the preamble had been proved; and 2d, whether the clauses were proper for carrying out the object contemplated by the preamble. The committee, after due inquiry, were unanimously of opinion that the preamble was proved, and that the clauses were proper. The only point of difference arose as to the reception of certain evidence. One Member was of opinion that the evidence in question should be received; but the chairman and the other members thought that it should not. Now, he would take upon himself to say, that if the committees of that House were to be guided by any of the ordinary rules of evidence, the evidence tendered in this case, and refused, must be, and was rightly, rejected. That evidence consisted of a copy of a paper that had been burnt when the House of Commons was destroyed by fire; a copy of a report that had been formerly made by a surveyor on this subject. The committee were expected, without any one being called to prove that this was a correct copy of the report laid before a former committee, to receive it at once as evidence. With regard to the course taken by the committee on that point, he saw no reason whatsoever for altering his opinion. Then the parties opposed to the measure asked for the re-committal of the report, on the ground of the necessity of further time being allowed, for the purpose of enabling them to bring forward evidence in support of their allegations. Now, he contended that sufficient time had been allowed, as would appear by a reference to the proceedings. The bill was read a second time in February, and it stood for committal on the 15th of that month. The committee was not appointed till the 12th of April. The opponents of this measure had all that interval to take such steps as they might deem necessary. They, however, made no proposition to the committee for the withdrawal or the alteration of any clause, but objected to the preamble altogether; and they now came forward on the ground that time had not been given them to do justice to their case. If the House granted further time on such a plea as that which was now put forward, then they would have every bill, after its merits had been fully discussed and fairly decided in committee, subject to be again opened for re-argument, whenever any party chose to insist on fresh inquiry because some difference of opinion existed.

Mr. *Brotherton* said, it was the duty of that House to throw its shield over these poor people. In 1834, it appeared so clearly that the cottagers would be injured by the measure then introduced, that it was thrown out. In 1835 a similar measure was, he believed, abandoned. It was now made matter of charge against these poor cottagers that they had not employed counsel to oppose the bill. But where were they to find money for that purpose? From all the circumstances which had come under his observation with respect to this case, it did appear to him that it had not been sufficiently inquired into, and therefore the report ought to be sent back. The committee had, it appeared, refused to adjourn a day or two, in order that they might procure the necessary evidence to authenticate the report which they wished the committee to take into consideration. When all the circumstances were looked into he conceived that the House was bound, before they agreed to a bill like this, which was calculated to injure many poor persons, to give them every opportunity for the defence of their just interests. If they had not been able to offer an effectual resistance to the bill on account of their poverty, that was the very reason that ought to induce the House to assist them.

Mr. *Labouchere* said, he had no personal interest whatever in this matter, but as he had happened to be chairman of the committee he wished to say a few words in explanation of his opinions. He conceived that the measure would, generally, operate in a beneficial manner. It should be observed that the place proposed to be enclosed was not in the neighbourhood of any great town, and it was situated in a part of the country where there was a very great want of employment. The land intended to be enclosed was good land, capable of being cultivated, and he had no doubt whatever that the interests of these poor people would be greatly assisted, instead of being deteriorated by a measure that was calculated to bring that land into cultivation, and of thus affording additionnl employment. Certainly they would reap more benefit from it when enclosed than any which they could hope to derive from it in its present state. With respect to the amendment of the hon. Member, he saw no necessity for it. The question had been already fully examined; and he denied that the measure tended to deprive any individual of the smallest possible right to which he could exhibit a just claim. Persons had encroached on this common; but they had not held those encroachments for twenty years, and therefore, they could advance no proper claim to that which they had enclosed. Those Gentlemen who supported their demand wished to give to them a legal right, which he held to be a most dangerous principle to advance. So far from those persons having any just right to complain, he contended that it was perfectly competent, at any moment, for the lord of the manor to proceed against them, and to eject them, they not having been in possession of the ground encroached upon for twenty years. He, therefore, did not conceive that they were inflicting any hardship on those parties which the law, if it were put in force, would not also inflict. The bill then before the House provided for them as far as it possibly could, by indemnifying them for any expense which they might have incurred. But it went no further than the law went, and very properly refused to give those people a freehold where previously they had none.

Lord *G. Somerset* was of opinion that the House ought not to agree to the amendment of the hon. Member for Kidderminster. The rights and claims of the parties had been fairly and properly considered. Everything they had to allege in support of their case had been heard, and as the matter had been before the House repeatedly, they could not justly say that they were unprepared. They certainly had not made out to his mind such a case of hardship as called on that House to interfere with the report of the committee.

Mr. *Fielden* was of opinion, that the parties complaining ought to be allowed to be fully heard. It was the especial duty of the House to protect individuals situated as these poor people were. He saw very good grounds for sending the report back to the committee. Those who resided at a distance from the place were, he believed, likely to derive advantage from this measure, but those who lived on the spot would, on the contrary, be seriously injured by it.

The House divided on the question that the words proposed to be left out stand part of the question—Ayes 137; Noes 15; Majority 122.

List of the AYES.

A'Court, Capt.
Aglionby, H. A.
Aldam, W.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Astell, W.
Bagge, W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Bankes, G.
Baring, hon. W. B.
Baring, H. B.
Barnard, E. G.
Barrington, Visct.
Beckett, W.
Bernard, Visct.
Blake, Sir V.
Bowes, J.
Bradshaw, J.
Broadwood, H.
Bryan, G.
Busfeild, W.
Campbell, A.
Christopher, R. A.
Chute, W. L. W.
Clive, hon. R. H.
Cochrane, A.
Copeland, Mr. Ald.
Courtenay, Visct.
Craig, W. G.
Cripps, W.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Divett, E.
Douro, Marquess of
Drummond, H. H.
Duffield, T.
Dugdale, W. S.
East, J. B.
Estcourt, T. G. B.
Fitzroy, Capt.
Fleming, J. W.
Forbes, W.
Gaskell, J. Milnes
Gore, hon. R.
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Grimsditch, T.
Hamilton, C. J. B.
Hamilton, W. J.
Hastie, A.
Hay, Sir A. L.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Hill, Lord M.
Hillsborough, Earl of
Hogg, J. W.
Hornby, J.
Howard, hn. C.W. G.
Howard, hon. H.
Humphery, Mr. Ald.
Hutt, W.
Irton, S.
James, Sir W. C.
Johnson, W. G.
Johnston, A.
Kemble, H.
Lambton, H.
Lefroy, A.
Liddell, hon. H. T.
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Visct.
Mangles, R. D.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Marton, G.
Martyn, C. C.
Maunsell, T. P.
Miles, W.
Mitcalfe, H.
Mundy, E. M.
Murray, C. R. S.
O'Brien, A. S.
Ord, W.
Packe, C. W.
Parker, J.
Patten, J. W.
Philips, M.
Pigot, Sir R.
Plumptre, J. P.
Plumridge, Capt.
Ponsonby, hon. C. F. A. C.
Price, R.
Pusey, P.
Reade, W. M.
Rolleston, Col.
Rous, hon. Capt.
Rushbrooke, Col.
Scott, hon. F.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Somerset, Lord G.
Stuart, W. V.
Sutton, hon. H. M.
Thesiger, F.
Thompson, Mr. Ald.
Towneley, J.
Trench, Sir F. W.
Trollope, Sir J.
Trotter, J.
Tufnell, H.
Vane, Lord H.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Waddington, H. S.
Wall, C. B.
Wawn, J. T.
Wilshere, W.
Winnington, Sir T. E.
Wood, C.
Worsley, Lord
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, hon. E. T.

TELLERS.
Labouchere, rt. hn. H.
Heathcote, Sir W.

List of the NOES.

Baskerville, T. B. M.
Bowring, Dr.
Butler, hon. Col.
Crawford, W. S.
Duncombe, T.
Elphinstone, H.
Fielden, J.
Harris, J. Q.
James, W.
Muntz, G. F.
Murphy, F. S.
Rundle, J.
Scott, R.
Thornely, T.
Williams, W.

TELLERS.
Brotherton, J.
Godson, R.

Amendment read a second time, and agreed to. Bill to be engrossed.

SOUTHWARK IMPROVEMENT (No. 2) BILL.] Lord *J. Manners* moved the third reading of the Southwark Improvements Bill (No. 2.)

Bill read a third time.

Mr. *R. Palmer* moved the following clause to be added as a rider to the bill,

"And be it enacted, that every lessee for lives of Church property, purchased under this Act, shall receive compensation from the Commissioners for the loss, injury, or damage he shall sustain on account of his being deprived of the usual and accustomed expectation of renewal, or successive renewals, of any subsisting estate or interest in any lands or premises required for the purpose of this Act; and that for the purpose of settling the amount of the compensation to be paid, the powers and provisions in this Act applicable to settling or assessing of other cases of compensation, shall apply and extend to compensation under this section.

Clause read a first time.

On the question that the clause be read a second time,

Lord *G. Somerset* said, the House perhaps was not aware of the important principle involved in the clause moved by the hon. Member, and on that account he thought that they should not be called upon to adopt or reject it without further consideration. He should, therefore, propose, that the debate be adjourned for a few days, and that the clause be printed with the votes.

Mr. *R. Palmer* would at once acquiesce in the proposition of the noble Lord.

Sir *R. Inglis* said, he should oppose the adjournment, as it would only have the effect of raising the whole question upon church leases in reference to a private and local act. A similar clause to the one now moved was introduced into the Farnham Rectory and the Southwark Improvements (No. 1.) Bills, and what was the consequence? That both those measures were abandoned. If the hon. Mover wished for the decision of the House upon the subject, he could ask it in a more formal manner; but let him not endeavour to establish a proposition by adding to a private bill a clause which indirectly went further than was connected with the bill.

Lord *G. Somerset* moved that the debate be adjourned until that day se'nnight.

Motion agreed to.

Debate adjourned.

Colonial Emigration.] Mr. *P. M. Stewart* wished to put a question to the noble Lord, the Secretary for the Colonies, on a subject of great importance to this country as well as to our different colonies—that of emigration. He was intrusted with petitions from many hundreds, he might say thousands of persons, who were unable to obtain employment in this country, and who were extremely anxious to seek employment in our colonies, if they could gain the means of transporting themselves to those colonies. Those persons had heard that the demand for labour in the colonies was very extensive, and that the rate of remuneration was at a tempting height, compared with that which they had any chance of obtaining at home. He hoped his noble Friend would give explicit answers to two questions which he would propose. He wished to know first, whether it was true that there was in the colonies a great demand for labour, and that high remunerating wages were given; and whether there was an intention on the part of the Government to afford any facilities in the means of transport to persons desirous of emigrating from this country to our colonies?

Lord *Stanley* said, no one could entertain a higher sense than he did of the importance of the questions which had been proposed by the hon. Gentleman; and he trusted he should obtain the indulgence of the House, if he gave a somewhat detailed reply to those questions. The first inquiry of the hon. Gentleman was, whether there now prevailed in our various colonies an extensive demand for a number of emigrants who might obtain high remunerating wages? Although he was aware that it was a delicate matter for a member of the Government to state his opinion as to the comparative demand for labour which existed at any particular time in different possessions of the Crown, he thought it was right that no misunderstanding should be allowed to prevail on a subject of such high importance, especially at this season of the year, to a large portion of the labouring population of the country. He would, in replying to the question of the hon. Gentleman, leave out of consideration our West-India colonies, and confine his remarks to our Australian and North American colonies. For the last few years the rule had been to apply very considerable portions of the sums derived from the sale of land in those colonies to the encouragement of emigration. In some cases these sums were applied under the direction of the Government at home, and in other cases under the direction of the local Governments of the colonies, tickets being issued to shipowners for the conveyance of emigrants, on whose arrival in the colonies a stipulated sum was granted. He had been informed by his noble Friend who preceded him in the Colonial-office (Lord J. Russell), that there were outstanding bounty orders for the conveyance of emigrants to the colony of New South Wales, available for two years from November, 1840, applying to from 40,000 to 50,000 emigrants, and involving an expense—supposing they were all acted upon—of from 800,000*l.* to 900,000*l.* He had felt it his duty to adopt stringent regulations for checking this system. He had received a communication from the Governor of New South Wales, stating, that in consequence of the great number of emigrants introduced, a heavy amount of debt had been entailed upon the colony, and entreating that steps might be taken to prevent an enormous influx of immigrants, which might be productive of most serious results. During last year the number of emigrants to New South Wales was 22,750. When communications were received from the Governor, 12,750 of those emigrants had arrived in the colony, and 10,000 were on their passage. This influx of immigrants would involve the colony in debt to the amount of 111,000*l.* The Governor stated that, even before the 10,000 emigrants had arrived in the colony, there was no demand for labour, but, on the contrary, there was a difficulty in obtaining employment. He thought it right to make this statement publicly, that the labouring classes might be aware of the true state of the case; for if capital did not emigrate in proportion to labour, those who sought employment in the colonies might involve themselves in more calamitous distress than that which they suffered here. He believed the state of things to which he had referred as existing in New South Wales was not permanent; it was probably only temporary. It arose from the almost entire cessation of the land sales a short time back, which had produced embarrassments in the colony; and he believed that emigration to that country might be very efficiently conducted, if its amount was duly regulated. The Governor had stated, that he considered that the colony—the population of which was 130,000—was capable of receiving annually from 8,000 to 10,000 immigrants with great advantage. During last year, however, as he had stated, the number of immigrants into that colony was nearly 23,000, more than double the number which the Governor considered ought to be introduced. He could not, therefore, on the part of Government—even if they had funds at their disposal, which they had not—recommend the encouragement of extensive emigration on the part of the labouring classes. Emigration to Van Diemen's Land was now conducted to a considerable extent; and during the last year about 1,500 immigrants had entered that colony. The colony of Western Australia possessed very limited capacity for receiving immigrants, though he believed it was in a prosperous state. The demand for labour was to the amount of 150 to 200 emigrants; and preparations were already made for sending out that number. He need scarcely say, that South Australia had [during the last year been in a very disastrous condition; the land sales had ceased, and the financial affairs of the colony were in a deplorable state. The population was 14,000 or 15,000; and owing to the abandonment of Government works, and the enormous expenditure which had been indulged for some time and had given a false appearance of prosperity having ceased, 1,200 persons in that colony were actually living as paupers, maintained at the public expense. He could not speak with confidence of the colony of New Zealand. He believed that if a sum of 10,000*l.* or 12,000*l.* was available for the transport of emigrants, New Zealand offered a better prospect than any of our colonies in that quarter of the globe of affording employment to the labouring classes; but he spoke only of present appearances, and gave no opinion as to its permanent prosperity. He abstained from expressing any opinion as to thos settlements in New Zealand which were under the management of the New Zealand Company, and who were the best judges of the proportions of labour to capital which would be most suitable to their own settlement. He had recently been led to think that a greater number of immigrants had been introduced into some of those settlements than was warranted by the amount of capital employed, and the consequent means of labour afforded. The case of the North American colonies differed entirely from that of those to which he had been alluding. In the North American colonies the Government had not any funds, nor means of raising funds, which could be applied to the purposes of emigration. The proceeds of the land sales were paid over to the local Legislature, and it rested with the local Legislatures alone to decide whether any portion of those proceeds should be devoted to the purposes of emigration. He believed, that at this time those colonies exhibited a very favourable prospect of affording employment to great numbers of the labouring class of emigrants. The result of experience proved, that the least extent of hardship and difficulty was sustained by emigrants who went out to those colonies early in the year, and who had thus an opportunity of obtaining employment during the summer, and of establishing themselves in the colonies. He would recommend emigrants to apply for advice and assistance to the Government emigration agent at the port at which they arrived, for though the agent could not afford them any pecuniary aid, he would be enabled to give them information as to the best means of obtaining employment, and on other subjects, which might prove extremely useful, especially as emigrants of the labouring class, who arrived late in the summer or autumn, were frequently quite unprepared to encounter the severity of a Canadian winter, and consequently suffered great distress. He thought it right, while alluding to emigration to Canada, to inform his hon. Friend (Mr. P. Stewart) that, though the general condition and prospects of the emigrants who went out last year had been favourable, the class which had suffered the greatest hardships and privations was the weavers from Paisley and Glasgow, who were not accustomed to out-door labour. Although such persons were, in the end, likely to be most valuable settlers, they were in the first instance exposed to great hardships. He hoped he had given a full answer to the questions proposed by the hon. Gentleman.

Mr. *P. M. Stewart* thanked the noble Lord for the information he had afforded the House on the subject of emigration. With respect to the observation of the noble Lord in allusion to the weavers of Glasgow and Paisley, he could assure the noble Lord that many of those persons were accustomed to out-door employment.

ARNAUT TROOPS IN SYRIA.] Dr. *Bowring* said, last year a great number of irregular Arnaut troops were stationed in Syria, and were guilty of such gross outrages that representations were made to the Porte, which led to their withdrawal. It was now rumoured that it was the intention of the Turkish Government to send a body of these troops into Syria, to occupy the fortresses along the coast; and he wished to know if her Majesty's Government had received any information on the subject.

Sir *R. Peel:* Besides the question which the hon. Gentleman who spoke last has put to me, the gallant Commodore on the other side has given a notice; and perhaps those two hon. Members and the House will think it convenient that I should give an answer which may suffice to supply the information which both hon. Members require. The questions which have been put on this occasion are such as I should not have thought it necessary or fitting to answer under ordinary circumstances; but I am sure the House will feel that I, as a Minister of the Crown, am placed in circumstances of rather an anomalous kind. It must be well known to every one present that Syria and the Porte stand in relation to each other in a very peculiar position; and I am sure the House will also agree with me that nothing could be more impolitic than for us to interfere in the domestic arrangements of any foreign state; but still it is not altogether inexpedient that I should say a few words in reply to the questions which have been put. One of them is this—Does the Porte employ a certain description of force in Syria? Does the Porte employ a certain officer in Syria? In the first place, I need hardly remind the House that it is utterly impossible for me to undertake the administration of affairs in Syria. And if it were practicable, I must be allowed to say, that it is a task above all others open to various and insuperable objections. To attempt any thing of the sort would be at once to paralyse the authority of the Porte, and to make us wholly responsible for the administration of public affairs in that part of the world. I am quite sure the House will agree with me that we are bound in a most especial degree to guard against the admission of the principle that we have anything to do with the domestic affairs of Turkey; but, nevertheless, I readily acknowledge that the hon. Member and the gallant Officer opposite were perfectly justified in putting the questions which they did. The information that the gallant Commodore requires relates to the employment of a certain officer, Omar Pacha, by the Porte as governor of Lebanon. The gallant Officer has asked whether the Turkish government have made that appointment and refused to cancel it. Now, I do not hesitate to state that the appointment of that officer was a most improper appointment. The ground upon which I answer the question of the gallant Commodore is this:—That during the Syrian campaign assurances were given by the Porte to the British authorities upon the subject of the government of Lebanon, which gave to those authorities a claim to the intervention of the British Government to see that the engagements of the Porte were fulfilled. The British Government has accordingly remonstrated with the Porte against the continuance in office of Omar Pacha. There are circumstances in the life of that officer which make his appointment a very unwarrantable one. Assurances had been received from the Porte that Omar Pacha should be removed, and that some other arrangement should be made for the administration of the affairs of Lebanon. As to the question put by the hon. Gentleman opposite, respecting the despatch of troops by the Porte to Syria, I have only to state, that on the 6th of April instructions were sent to Sir Stratford Canning, our Ambassador at the Porte, desiring him to represent to the Government at Constantinople our strong conviction that nothing but evil and confusion could result from the sending of Albanian troops to Syria; but, in anticipation of those instructions, Sir Stratford Canning, without waiting for authority from home, had earnestly deprecated the employment of those troops in Syria, and he received an assurance that they would not be employed in the interior of the country; that they should be confined to garrison duty, and not sent up into Lebanon; that their services would be limited as much as possible to St. Jean d'Acre, and other towns, and that the people of Lebanon would be protected from them. I am bound to say, it was stated to our Minister at the Porte that—

> "It was with astonishment and deep concern we heard of the employment of Albanian troops by the Porte in Syria, and that it was thought by her Majesty's Government most essential that the Sultan's pleasure should be taken with as little delay as possible, and taken in connexion with our representation on this subject."

Feeling as we did great alarm at the possibility of a repetition of the scenes which have occurred, we thought it our duty to lose no time in addressing a strong representation to the Porte, for we conceived that putting an end to such a state of things was essential to the tranquillity of Syria, and the welfare of Turkey.

MUNICIPAL CORPORATIONS.] Mr. *Hutt* rose for the purpose of inquiring from the right hon. Baronet the Secretary of State for the Home Department, whether he was prepared to lay before the House any information respecting the administration of justice in boroughs since the passing of the Municipal Corporations Act.

Sir *J. Graham* replied, that the hon. Gentleman had given notice of a motion on the subject of the manner in which magistrates were appointed in municipal corporations, and that would afford a convenient opportunity for replying to the question which the hon. Member now put. He would have been prepared to give to that question a fitting reply if the hon. Member had furnished him with any previous intimation as to the nature of the question. For the notice of motion which the hon. Member had given, he was greatly indebted to him. This day fortnight, when that notice came under consideration, he should perhaps be prepared to give him a reply to the question which had now been put.

Mr. *Aglionby* said, that certain complaints had been forwarded to the Home-office, and he wished to know whether they might expect to have those laid on the Table of the House?

Sir *J. Graham* observed, that it might be more agreeable to the hon. Member than useful to the public that papers impugning the conduct of the Home Secretary should be laid upon the Table of that House; but of this he could assure him, that nothing should be withheld which could with propriety be communicated.

Mr. *Hutt* said, he did not ask what complaints had been made against the right hon. Baronet—his question merely related to the manner in which justice had been administered in boroughs since the passing of the Municipal Corporations Act.

Sir *J. Graham*: If the hon. Member

made a motion, it should receive the fullest attention—if he moved for returns, they should be granted as fully as was consistent with the public interest—and if he put a specific question, he should receive a specific answer.

Mr. *Aglionby* begged to explain, he never meant to express a wish for the production of complaints against the right hon. Baronet. He merely referred to complaints against the system.

INCOME-TAX (IRELAND).] Mr. *O' Connell* wished to know from the right hon. Baronet opposite whether the salaries of the Irish judges, which were paid out of the consolidated fund, were to be made liable to the Income-tax?

Sir *R. Peel:* I am not yet quite prepared to state to the House what may be done with reference to the salaries of public officers, and therefore I have to request that a *locus penitentiœ* may be allowed me; but I can venture to say that, with respect to all appointments in Ireland of a permanent nature requiring that the holders of them should be stationary in that country, the Income-tax is not to be charged. With respect to those public functionaries who are not stationary, they are to be liable to the Income-tax. Thus, a commissioner of customs might have to pay the tax though resident in Ireland, while an Irish judge would not be liable.

IPSWICH ELECTION COMMITTEE.] Mr. *Wason* rose, pursuant to notice, for the purpose of calling the attention of the House to the injustice practised by the majority of the Ipswich Election Committee, in the different conduct pursued by them towards the witnesses before them, as such witnesses happen to give evidence for or against the political party to which the majority belong.

The *Speaker:* The motion of the hon. Member is in all respects so irregular and so unparliamentary, that I have thought it necessary at once to interfere and stop the hon. Member. His motion implies a censure upon the conduct of a committee which is still sitting. It is contrary to the rules of proceeding in this House to arraign the conduct of any committee until after it makes its report, and it is in the highest degree irregular to allude to its proceedings in the manner proposed by the hon. Member; and I wish to put it to the hon. Member that the committee to which his motion refers stands in a peculiarly independent position towards this House. Its proceedings are conducted under an act of Parliament to try the merits of a controverted election. It is, therefore, clearly not decorous to allude to the conduct of Members composing that committee.

Mr. *Wason* said, that, of course, it was his duty to bow implicitly to the decision of the Chair; but he thought he had sufficiently guarded himself by the terms of his notice, and he wished to add, that he did not intend to conclude with any motion. All that he wanted to do was to call the attention of the House to that which he conceived to be a breach of privilege.

Mr. *Pakington* greatly regretted that the forms of Parliament rendered it impossible for the hon. Member to bring forward the motion of which he had given notice, and therefore prevented his repelling with the utmost indignation the calumnious and unfounded charge which such a motion involved. It was his painful duty to preside over the proceedings of a court which had to investigate the manner in which the late Ipswich election had been carried on, and, though on account of the formal objection stated from the Chair, such a motion could not be entertained; the committee courted investigation, and they did most earnestly hope that at some future period an opportunity would be afforded them of vindicating their own conduct and motives by allowing the hon. Member to bring forward his motion. He thought it right to add, that though the committee were unanimous as to the character of the evidence, they were not unanimous as to the manner in which it should be followed up.

Mr. *Rennie* did not concur with his hon. Colleague; but he felt that it was out of order to proceed with the matter.

Sir *R. Inglis* thought, that the words which fell from the Chair ought to be recorded, or the motion ought to be expunged, as was the case in the year 1835.

The *Speaker* said, mere notices of motions were never entered in the journals.

FRAUDS OF MANUFACTURERS—THE TRUCK SYSTEM.] Mr. *Ferrand* rose, pursuant to notice, to move the following resolutions:—

"That this House considers as highly criminal the conduct of any person or persons who may attempt to induce others to give false evidence before a committee of this House, and will inflict condign punishment on all such persons, and will also direct them to be prosecuted.

"That this House will protect and bear

harmless every working man who gives true evidence before any committee which may be appointed to inquire into the frauds committed by manufacturers and others, to the injury of the trade of this country, and of the labouring classes.

"That a Select Committee, to inquire into the existence of frauds in the various manufactures of the United Kingdom of Great Britain and Ireland; also to inquire into the existence of frauds and oppressions, either directly or indirectly, committed by certain manufacturers of the United Kingdom of Great Britain and Ireland, upon the persons employed by them; and also by the workers of mines, collieries, and railways, upon the labourers in their employment."

The hon. Member said, that in rising to perform the duty which he had undertaken, he felt, that he had placed himself under a heavy weight of responsibility. Every class of manufacturers in Great Britain and Ireland had their eyes on him. It was felt by the whole community, that we were not in that position to which our skill, capital, and industry entitled us; and it could not but at the same time, be felt, that the motions which he had submitted to the House, ought to have proceeded from certain hon. Members at the other side. But though, perhaps, it might be thought, that the motion ought to have proceeded from others rather than from him, he yet trusted to the kind attention of the House to grant him a favourable hearing. When he first brought forward the charges which were involved in his motion, he was induced to do so in self-defence—he was driven into it by the accusations brought against the landed interest—throughout the whole country, men were hired for the purpose of using the most violent language—placards of the most inflammatory nature were posted in every town and village. The working classes were told, that the evils which they had to endure, were not imputable to any accidental occurrences—were not, in any respect, imputable to their employers, but were solely owing to the conduct of the landed interest; it was the landed interest, they were told, which deprived them of food—it was the landed interest, they were told, which dried the mother's breast, and excited the outcries of the famished infant, and no one was found to urge the truth upon the attention of the working classes. He and those who generally coincided in opinion with him, did not subscribe to those assertions. They repudiated the assertion, that the landed interest were the parties to blame, and, on the contrary, affirmed, that the manufacturers themselves, were the causes of that distress under which the working people suffered. The motion of which he had given notice comprehended two resolutions, one of which undertook to deal with a matter which had already been made the subject of a Standing Order of that House. It was important, he conceived, to let the people know, that they would be protected from the effects of any false evidence which the manufacturers might get up against them. It was also important to let the people know, that the House of Commons would really protect them from the consequences of freely and faithfully giving evidence before a committee of that House. They should be assured of enjoying absolute and perfect security for such of the working classes as might be examined before a select committee. The fact was, that the working classes would not venture to come before a committee of that House, if they did not receive such an assurance, for otherwise the prevailing opinion amongst them was, that their utter ruin must ensue. It was well known, that the late Mr. Sadler had done much with a view to improve the condition of the working classes, and they had his testimony to show, that those who were called upon to give evidence, had been severe sufferers from the consequences of their temerity in so offending those from whom they derived their means of employment. They obeyed the summons of the Speaker, and, for doing so, they lost the means of subsistence; and if they refused to obey the Speaker's summons, they were condemned to prison and to misery, and their families to distress. Two petitions had been presented to the House by Mr. Sadler, stating all the facts which he had now stated. And what now was the language of the working classes? Why, finding that 20,000,000*l.* of money had been voted by that House to put down slavery and oppression amongst the blacks, and 17,000*l.* had been granted for the purpose of enabling the hon. and learned Member for Bolton to go to the continent for the purpose of extending trade, commerce, and manufactures, they could not for one moment believe, that the House would refuse them protection whenever they were summoned to appear and give evidence before any of its committees. He thought the House would agree with him, that there was nothing more requisite for the extension of the trade and commerce of this country, than that the manufacturers and merchants employed in it should be persons of unsullied character and undoubted worth, and that in all their various transactions in every quarter of the globe, they should act with justice to themselves and to the honour of their country, not attempting, either directly or indirectly to practise any deceits either upon their fellow-countrymen at home, or their customers abroad. He found, that our ancestors were of the same opinion, for the Legislature of this country, being jealous of the national honour, considered it their duty to pass stringent laws to prevent any attempt at fraud either abroad or at home amongst their fellow-countrymen or foreigners; for in the preamble of the 13th of Richard 2nd, cap. 2, it was declared:—

"Forasmuch as divers plain cloths that be wrought in the counties of Somerset, Dorset, Bristol, and Glocester, be tacked and folded together, and set to sale, of the which cloths a great part be broken, broused, and not agreeing in the colour, neither be according in breadth, nor in no manner to the part of the same cloths showed outwards, but be falsely wrought with divers wools, to the great deceit, loss, and damage of the people, insomuch that the merchants buy the same cloths and carry them out of the realm to sell to strangers, be many times in danger to be slain, and sometimes imprisoned and put to fine and ransom by the same strangers, and their said cloths burnt or forfeit, because of the great deceit and falsehood that is found in the same cloths when they be untacked and opened, to the great slander of the realm of England."

In the preamble of the 5th and 6th of Edward 6th, cap. 6, entitled—

"An act for the true making of woollen cloth," (it is stated), "Where heretofore divers and many goodly statutes have been made for the true making of cloth within this realm, which, nevertheless, forasmuch as clothiers, some for lack of knowledge and experience, and some of extreme covetousness, do daily more and more study rather to make many than to make good clothes, having more respect to their private commodity and gain, than the advancement of truth and continuance of the commodity in estimation, according to the worthiness thereof, have and do daily, instead of truth, practise falsehood, and instead of substantial making of cloth do practise sleight and slender making, some by mingling of yarns of divers spinnings in one cloth, some by mingling fell-wool and lambs-wool, or either of them, with fleece-wool, some by putting too little stuff, some by taking them out of the mill before they be full thicked, some by over-stretching them upon the tenter, and then stopping with flocks such bracks as shall be made by means thereof; finally, by using so many subtle sleights and untruths, as when the clothes so made be put in the water to try them, they rise out of the same neither in length nor breadth as they ought to do, and in some place narrower than some, beside such cockeling, bandoning, and divers others great and notable faults, as almost cannot be thought to be true, to the great slander of the King our Sovereign Lord, and the shame of this land, and to the utter destruction of so great and notable commodity, as the like is not in any foreign nation."

He found again, in the 43rd of Elizabeth, cap. 10, entitled—

"An Act for the true making and working of woollen clothes," (these words) "The Queen's most excellent Majesty, with the advice of her Highness's Lords spiritual and temporal, and the Commons in this present Parliament assembled, weighing and considering the good and godly purposes of divers and sundry statutes heretofore made and ordained for the true making and working of woollen cloth, to be frustrated and deluded by straining, stretching, want of weight, flocks, sollace, chalk, flour, deceitful things, subtile sleights, and untruths, so as the same clothes, being put in water, are found to shrink, be rowey, pursey, squalling, cockling, bandy, light, and notably faulty, to the great dislike of foreign princes, and to the hindrance and loss of the buyer and wearer."

The 10th of Anne, cap. 16—

"An Act for regulating, improving and encouraging the woollen manufacture of mixed or medley broad cloth, and for the better payment of the poor employed thereon," (states in the preamble), "Whereas by the ill practices of some makers of mixture or medley broad cloth, and the unskilfulness of others, by excessive straining such clothes, and other abuses committed in working the same, great damages and disappointments have happened, not only to the buyers and weavers of the said cloth, but much to the disreputation of the said manufacture, both at home and abroad; and the workers or poor labourers employed in working and making up the said manufacture have been impoverished, and are daily discouraged by imposing on them goods and wares of several kinds for their labour instead of ready money, which practices have been great discouragements to the good makers of, and fair dealers in, the said mixture or medley broad cloth."

He had read to the House certain clauses of acts of Parliament which were passed by our ancestors for the protection of the public as well as of the working classes. It happened, however, that, about fifty years ago, such new and enlightened principles burst upon this country, that all protective laws were to be thenceforward laid aside, and those laws which restrained the dishonest and made them honest, which protected the working classes, and which our ancestors thought it their duty to pass, were to be removed. Our ancestors knowing, that the labouring people had not an opportunity of voting in that House, they came down, like upright, honourable, and honest men, feeling that the working-classes were imposed upon and robbed and plundered of the just reward of their labour, and did not hesitate to assist in passing acts of Parliament that would protect the working man. But these acts were suspended about fifty years ago. What had been the consequence? Frauds of the most gross description were practised by some of the manufacturers in all the different trades of our country, to the great injury of the character of British merchants and manufacturers, both at home and abroad, and to the certain ruin of those manufacturers in this country, of whom he was prepared to say there were many, who were anxious to be upright, honest, and honourable men, and who wished to carry into market an article for sale which would do them credit and give them a justly remunerating reward for the employment of their capital, as well as enable them to pay just and liberal wages to their workpeople. But the new and enlightened principle which had burst upon the country and had made such rapid strides, day by day, had now opened a new arena for the manufacturers to walk about in. It was the new principle of many of these men to try who could undersell his neighbour, who could compete with his brother manufacturer at home and abroad, and who could produce the greatest quantity of goods at the lowest cost, both in price and labour. He had been told by hon. Members of that House, that the Corn-laws were the drag-chain of the commercial and manufacturing interests of this country; and he had been informed, both in the House and out of it, that the agricultural and landed interests were the causes of the distress which prevailed in the country, and that if free-trade in corn were permitted, the commerce and manufactures of England would spread into every clime; that, in fact, there would be no measurement—if he might use such an expression—to the extent of British commerce and manufactures. Why, he found that the merchants and manufacturers of this country were in possession of the South American market, from the year 1809 to 1822 or 1823. At that time Mr. Canning came down to the House and declared that we had called a new world into existence; and many of the manufacturers and merchants thought it would be a boundless sphere for the trade and commerce of this country. But what was the consequence of the frauds which had been committed by the manufacturers of this country? They themselves were the first cause to a great extent of our loss of the South American market. He had heard it stated by some hon. Members on the opposite side of the House, that the use of flour was indispensably necessary in making calico; but he believed, that the use of it was formerly unknown, and that it was never made use of until introduced by the manufacturers for the purpose of cheating and defrauding their customers. He would no longer make use of those expressions upon his own authority; but he would tell hon. Members who denied his statements, and said they were not true, that they ought to call a committee and prove them untrue if they could before that committee. He was asking for a committee for the very purpose of proving that his statements were true. He would produce the evidence of persons of great experience and influence even amongst hon. Gentlemen opposite, and other evidence of manufacturers of the highest respectability, men of fifty years' standing in business, and also of working people, who would come before the committee, if proper protection were afforded them, and prove the truth of every word he had uttered. He felt so strongly in his own conviction of the rectitude of the position he now held, that he fearlessly asserted, if any rule of the House would prevent his second resolution being granted, he would ask for a committee without it, and he would prove his case by the evidence of merchants, manufacturers, clergymen, tradesmen, artisans, labourers, and others. A late Member of the House, Mr. Baines, had published a work, *A History of the Cotton Manufacture*, which was reviewed in *Tait's Magazine* for April, 1835. It was considered a work of great merit, and had been consulted by all persons connected with the cotton trade. He had never heard of any one attemptiong to depreciate the work. The reviewer in *Tait's Magazine* said :—

> " We shall extract but one sentence upon a practice which, we have heard, is banishing foreigners from our market, and leading them to countries where this disgraceful practice is unknown :—' To improve the appearance of the cloth, it is usually passed through starch, made of wheaten flour, often mixed with porcelain clay and calcined sulphate of lime, by which the cloth is made stiffer, and appears to have greater substance and strength than it proves to have after being washed,—a contrivance originally devised for the purpose of fraud, and which, though now too generally understood to be regarded as fraudulent, it would be creditable to the trade to lay aside.' How a fraudulent practice ceases to be fraudulent when it becomes general, we do not pretend to understand. In another instance Mr. Baines places, to the advantage of the English manufacturer over the manufacturer of America, that the latter does not, or cannot, use any but good cotton in his yarn, while the former, ' owing to the climate,' can use some of the waste. This is not sufficiently clear. Is the yarn not worsened by using a proportion of what in the United States is accounted waste?

That proved that paste was first adopted for the purpose of fraud. He would now submit other evidence to the House, for he was not going to make assertions on his own authority merely, but upon such authority as he trusted would induce her Majesty's Government and the House to conclude that it was high time for them to interfere. He would now read to the House the letter of a gentleman who had paid great attention to this process. He wrote—

> " In your speech, as reported, mention was made of the iniquitous stretching of cloths, and the vast quantities of wheat paste used to disguise that villainous practice ; but I do not recollect the manner in which the stretching, alias tearing, is effected, was described by you. Now, as I have several years ago witnessed the whole operation, I will request permission to describe it, as shown to me by Messrs. ———, bleach works, not mills, at ———. The cloths, if intended to be stretched in width, say from 11-16th to ⅞, or 15-16ths to 1 yard wide, are tentered out on a frame of the required width, and then driven between two grooved rollers or cylinders, the convexities of the one fitting closely into the concavities of the other, thus effecting a series of minute tearings, so as scarcely to be seen ; for the sly rogues know well that the widening could not be accomplished by one pull without destroying the cloth. On witnessing this operation I observed, that it must surely weaken the fabric; ' Oh, certainly,' was the answer, ' but this we make good by the bleachers' worf ;' then showing me a large long trough, filled with wheat paste, the machinery was then set going, and the cloth passing between the two grooved or knuckled rollers, by them singularly and appropriately enough called the ' Devil,' it became saturated with the paste, and then passing on through a series of rollers, came out fine glazed calico or muslin. I was next shown the machinery for folding and packing up the cloths, which was exceedingly curious, particularly an assemblage of wooden beaters, about two inches square, and about three feet long, working vertically or endwise in a very rapid manner ; such of the goods as were intended for our own colonies, or home consumption were packed with the utmost neatness, and need no description ; but, besides these, I observed a number of pieces packed up in a comparatively slovenly manner ; on inquiry, as to them, I was told that they were for the Spanish market in South America, (in imitation of some which were shown to me, and really of Spanish manufacture), as on account of the inferiority of our goods and other fiscal regulations they were scarcely saleable, or almost prohibited, and, therefore, these imitations became necessary ; but in order to obtain their introduction among the Spaniards an additional and crowning piece of villainy was required,—namely, the stamping them. I was then shown a stamp in exact imitation of those on the genuine Spanish pieces, as, for instance, though I have forgotten the real names, say, ' *Jose Pintado, a Sevilla* ;' " *Bartomeo Spinona, a Malaga*,' &c. I then naturally remarked, that such a practice differed in no degree from forgery with intent to defraud, and expressed myself with much surprise at such a procedure. ' Oh ! we all do it,' was the reply."

He would now beg the attention of the House to an extract from a work by Messrs. J. P. and W. P. Robertson, entitled, *Francia's Reign of Terror, being the continuation of Letters on Paraguay*. One of these writers was a merchant who had traded in that country for many years. They say, vol. 3, pp. 227-229,

> " Not a piece of linen for soldiers' shirts or trousers was purchased without previous inspection by his Excellency; and often, distrustful of Irish and Manchester manufactures, did he unrol with his own hands the piece of goods submitted to inspection. By application to it of the vara, or yard, he ascertained that it was of the length, twenty-five, twenty-six, or twenty-eight yards, labelled on the ticket. So quick-sighted did he become in the quality of manufactured goods, that finding a great many of them had wide interstices between the threads, filled up with starch, he had one end of the piece washed, and then

viewing it through a microscope, ascertained the nature of its real texture. If he found, as it must be confessed he often did, the gaps between the thread to be rather yawning, he allowed the owner half of the prime cost for it, and told him to thank his stars, for that he ought to be imprisoned as a knave and impostor. 'This is the way,' said he, on one occasion, to an English merchant, 'that you hucksters of rags vend your unsound and deceitful manufactures over the world. The Jews are cheats, but the English are downright swindlers.'"

What a disgrace was it to this country, that British merchants and manufactures should merit such a rebuke! When he read that language he declared that his blood boiled in his veins to think that Englishmen should traduce the character of their own country several thousand miles from home. But this reprover of British dishonesty proceeds thus:—

"With your labels, and your tickets, and your gilt finery upon your goods, your colours that are 'warranted fast,' and yet fade upon a first washing, you are the veriest mountebanks and pedlars that traverse the earth. There is nothing noble in your souls; for filthy lucre, filthily gotten, is the rotting disease of your heart's core. Look ye, Mr. Merchant, for these ten boxes of cotton platillas (they were spread out in the Dictator's audience chamber), for which you asked me 1*s.* a-yard, you shall have 6*d.*; and think yourself well off that I do not send you to some of the Paraguay looms (no doubt you understand how to manage a shuttle), that you might there learn how to make honest cloth. I am not, Mr. Pedlar, like my countrymen, to be caught by fine outsides, quack commendations, or the nick-nackery mode of packing up your flash wares. *Pan, pan, y vino, vino;* [when they say to me, 'there is bread,' let it be bread, and when 'wine,' let it be wine.] If you think that, because Francia is a Dictator, he cannot look after his own affairs, you are a little out of your calculation. Go about your business; and the next time you come to Paraguay with linens, bring them from honest Germany."

What had arisen from this conduct? British manufacturers had lost their trade and commerce in foreign climes, because they had ceased to be honest, because they were covetous and unjust, and cared not what frauds they committed, and encouraged each other by saying—"It will suit our purpose." Would the House know the manner in which these tricks and frauds had been carried on in Switzerland? He would refer them to No. 4 of *Chambers's Edinburgh Journal* of the 19th of February last, where, in an article entitled "A few Weeks on the Continent," he found the following passage:—

"The bulk of the Swiss, it would appear, clothe themselves in materials made by the hand in their own humble dwellings; and what they buy must be substantial and worth the money. English printed calicoes are rarely seen, although they are much lower priced than those of Switzerland, because the people have no confidence in the durability of the colours. The Swiss goods of this class are not only beautiful, but strong and durable in colour—qualities now rarely found in the produce of English factories. There are articles called Swiss prints sold in England, but we were informed by a manufacturer at Zurich that he did not believe a single piece ever was sent to this country, the whole that were passed off as Swiss being mere counterfeits. I am unable to say with what degree of truth this allegation was made; but it is very certain that the growing trashiness of quality of most English tissues is excluding them from the only open market in Europe."

He would now read to the House a letter from a highly respectable shopkeeper in Liverpool, who forwarded him a piece of what was called the lower sort of white shirting. When he received the sample and the letter, he could scarcely believe that the poorer classes were so cheated and plundered by the manufacturers; and he wrote down to Liverpool to ascertain the character of this shopkeeper, and was informed that he was a person of the highest respectability. He says:—

"I have this day had the pleasure of reading the speech delivered by you in the House of Commons on the evening of the 24th instant. In proof of your assertion that a large quantity of flour is used in the manufacturing of calicoes, &c., I beg to hand you a fair sample of the lower sorts of white shirtings, manufactured in this county, and of which you will perceive the poor man's food forms the greatest proportion."

One portion of that piece of cloth he sent to the right hon. Baronet (Sir R. Peel) and another to the noble Lord opposite (Lord J. Russell). Although an attempt had been made to fasten upon him the accusation that he had charged the manufacturers generally, nay universally, with being dishonest, he had only declared that there were fraudulent manufacturers, and he was sorry to say that their number was increasing, and that they were driving the honest manufacturer out of the markets. He would trouble the House with an extract from a work by Mr. Babbage, *The Economy of Manufac-*

tures, respecting the frauds in the lace manufacture, as brought under the notice of that House by a committee appointed to investigate the subject:—

"The lace trade affords other examples; and in inquiring into the complaints made to the House of Commons by the frame-work knitters, the committee observe, that, 'It is singular that the grievance most complained of 150 years ago should, in the present improved state of the trade, be the same grievance which is now most complained of; for it appears, by the evidence given before your committee, that all the witnesses attribute the decay of the trade more to the making of fraudulent and bad articles than to the war, or to any other cause.' And it is shown by the evidence, that a kind of lace called 'single-press' was manufactured, which was only looped once, and which, although good to the eye, became nearly spoiled in washing by the slipping of the threads; that not one person in a thousand could distinguish the difference between 'single-press' and 'double-press lace;' and that even workmen and manufacturers were obliged to employ a magnifying glass for that purpose; and that, in another similar article, called 'warp lace,' such aid was essential. It was also stated by one witness, that 'the trade had not yet ceased, excepting in those places where the fraud had been discovered; and from those places no orders are now sent for any sort of Nottingham lace, the credit being totally ruined.'"

What said the book on the stocking trade?

"In the stocking trade similar frauds have been practised. It appeared in evidence that stockings were made of uniform width from the knee down to the ankle, and being wetted and stretched on frames at the calf, they retained their shape when dry; but that the purchaser could not discover the fraud until, after the first washing, the stockings hung like bags about his ankles."

He begged pardon of the House for detaining them by quoting so much, but as there was no important public business before them that night, and as the question he was urging was so very important, and as he was most anxious to discharge his duty, he trusted they would permit him to occupy their time for a few moments longer. He was anxious to substantiate every word he had uttered in that House. They had often heard it asserted that there was much distress in the country, and they had as often heard it imputed to the Corn-laws. He emphatically denied that statement, and would read a paragraph from the *Nottingham Journal* of April 15th, to show how trade was ruined by the frauds of the manufacturers:—

"The cotton cut-up hose trade, which has now become an extensive manufacture in this vicinity, has somewhat improved, whilst the system of drop-offs is fast extending in some of the villages south of Nottingham. These drop-offs are stockings made without narrowings at the heels and toes; instead of which, the heels are made full width of the usual length, the web that should have been narrowed two stitches at a time gradually, is then pressed off wholly, a slack course is made in one of the heels in the usual way, and the heels are joined and turned off, by looping the slack course in the usual manner. The fraud now commences; the two flaps of the heels are turned inwards, and are somewhat neatly basted down by the seamer, the heels are then seemed, or rather sewn, in the usual method, and to a casual, inexperienced, or inattentive observer, have all the appearance of being full-wrought hose. Nothing can be more unpleasant to the wearer; the joining of the toes being effected in the same manner, by dropping off, instead of narrowing—the deception being, that the toes and heels are turned off in the usual way, to deceive the purchaser. By these practices, one stockinger is made to produce three or four times as many hose as when they are made in a proper manner. This has a greater tendency to curtail employment in the hosiery, than steam or any other invention has in other manufactures, with this marked difference, that the superseding of human labour in most other branches of industry is the result of ingenuity and an extension of the arts; in hosiery it is quite the reverse, as these frauds are a retrogradation in ingenuity and skill, tending to produce inferior workpeople as well as inferior manufactures. The hosiery villages in the vicinity are fast getting isolated, or rather selected, in their employment. Thus, the hands in Bulwell are principally employed in making cotton gloves; Ruddington, in making drop-offs and fancy-caps; Carlton, in making socks, principally worn in the United States; Hucknall, upon cotton fancy hosiery; Arnold, Calverton, and the villages to the east, are most employed in making full-fashioned hose; whilst Stapleford and Sandiacre are engaged principally in making warp lace; but in most of these villages the stockingers are in a most destitute situation, arising from scanty employment and low wages."

It was on behalf of these men that he asked for the committee—on behalf of those men who could not protect themselves, and he trusted that no man who had heard the statement but would cheerfully assist him in his object. The hon. Gentleman opposite, who were engaged in manufactures, had promised that no impediment would be thrown in his way;

he hoped they would now perform their promise, grant him the committee, and he would prove every allegation he had made. Then, as to watches, the deception was just as bad; he had a letter from a manufacturer which, with permission of the House, he would read:—

"Sir,—I speak of the disclosures you have lately been making in Parliament as to frauds in manufactures. It is now long time since I broached that subject, and suggested that the old plan of stamping our cloths and linens, &c., should be resumed; using in aid the argument that unless this were done, the character of the country would be lost, as each successive swindler would say to himself, 'It will serve my turn.' I believe the cloths sent out are often only fit for wadding. That the prints become blanks at first washing, I know, but I had no suspicion that even the cloth itself was equally infamous. I have heard that millions of needles have been sent out without eyes; scissors made of virgin steel, that remained virgins in all points, refusing to be of the slightest use; that watches from this country go only half an hour, and are losing all character, that clocks only go once round; that our muskets were only dangerous to the owners till the Tower proof was restored, and that the American woodsman has found our axes such, that he has found it indispensable to decline to use them. These things are so serious, that I think they should at once be taken up; it is thus we are losing business, and deserve to lose it, for we are risking the ruin of millions of the honestly industrious, rather than repress the villanies of a parcel of scamps." [*Laughter.*]

They might laugh, but it was those frauds that had ruined the trade of the country, and it was high time for them to show that the Legislature of the present day were as jealous of the character of the country as it was 500 years ago. He had also a letter from a most respectable manufacturer of Yorkshire, of fifty years' standing, and he said—

"You have not overstated anything as respects this neighbourhood, for I do not think there is a manufacturer of flushings, druggets, paddings, or pilot cloths, but who uses less or more of the ground-up rags called generally shoddy, or resurrection wool—indeed, so much is it in use, that even the carpet manufacturers are now consuming considerable quantities, and the rugs making for Government are not free from it. Some few years ago these rags were imported from Hamburg and other parts of the Continent; then, of course, this country derived some advantage in pulling them up; latterly they have come pulled up ready for use, they on the Continent having obtained from this neighbourhood the machines for pulling up the rags. You will excuse me, but in my opinion, unless Government imposes some restriction upon the use of such materials, we may cry out for want of trade or business for ever; it is not the Corn-laws which are the cause of our want of business, but it is our manufacturers and merchants who are the cause, for who will come a second time to our markets to purchase goods which when they get home are not worth the carriage. I have seen pieces of druggets stiffened with flour and other things, that were you to set a 6-4 piece to stand on the list, it would do so of itself; besides, this is not the worst evil—for when these goods come to lay some time, they generate a worm or moth, which will very soon consume a whole piece; in fact, such goods get worn out in passing from one to another without any making up, and probably get returned again to this country in the shape of rags, to undergo a second resurrection, or perhaps a third. I have that confidence in our present Government and in Sir R. Peel's measures, that I am sure there is no man but himself can save this country. If Sir R. Peel was to bring in a bill to prohibit the use of rags in any shape in the manufacture of cloth, or any description of woollen goods, I believe it would give most general satisfaction; it would also be an advantage to the agriculturist, as more wool would be wanted; and if the country was not able to produce all the wools necessary for our consumption, we could import any quantity from countries that would take our goods in return. I am of opinion that restrictive measures of this kind might be carried into effect with very little expense to Government. An inspector, appointed by Government, might overlook a very extensive district, and let any penalty which might be thought proper be recoverable before the magistrates. This, I think, would be a complete check against the use of this material, and would be the means of bringing back our trade to a healthy state again, which I am persuaded will never be the case until some measures of this kind are adopted."

I have another letter from an old manufacturer in Leeds, who said—

"I have a fact connected with the woollen manufacture which you are at liberty to make any use of you think proper. There is a manufacturer in this town (who is at present a member of the Whig-Radical town-council) who has made it a regular practice to buy old stockings and grind them up, and mix them along with his wool in manufacturing blue cloths. He was thus enabled to undersell his honest neighbours, who used nothing but wool. Well may our manufacturers lose their character in foreign markets."

But he had still higher authority, for the manufacturers of the north had been committing such disgraceful frauds, that the Government had been obliged to take the matter up; they found it necessary, in order to protect themselves, to take measures for preventing the frauds; they had another duty to perform—they ought to take measures to protect the public. They had found it necessary to issue a circular in order to protect themselves; he called upon them to extend that protection to the country at large. The circular he alluded to was as follows:—

"The whole of the cloth of which the supply is to be made is to be manufactured from new sound wool; if it is discovered to contain any portion of wool made from woollen rags known by the terms 'woollen waste,' or 'shoddy,' or other than new wool, it shall subject the whole of the supply to be rejected, and the hon. Board will not have any further dealings with the parties so offending."

These were the practices of these rogues—the scoundrels [*Laughter*]—the infamous rogues, for he could call them nothing else; and instead of laughing, hon. Members ought to blush for shame that their countrymen were capable of committing such infamous frauds. Having laid such shameful cases before the House, they would agree with him that he had proved all the charges he had brought against the manufacturers. But if the House had still any doubt upon the matter—if they thought the evidence was still deficient—then let them grant the committee. Was it not high time that the Government should interfere in order to put a stop to those practices which were ruining the trade of the country, and punish the guilty. A poor man committing even a trifling fraud was punished heavily, while those who were fraudulent by wholesale escaped. There was, indeed, one law for the rich, and another for the poor, so long as such a system was allowed to go on. He would now say a few words on the infamous truck system. It was now even of more importance than the frauds, because in consequence of that infernal system thousands of the labouring population were dying; the misery caused by the cruelty of the masters—by their heavy oppression—was incalculable. He had stated before, that a large portion of the manufacturers were in the habit of paying in goods, in place of money, and many firms settled with their workmen only once in three, six, or eight months. On that subject he had a letter from a highly-respectable gentleman, who said—

"SIR,—In consequence of the spirited part you have taken on a recent occasion, and for which, with every friend of humanity, I feel indebted to you, I beg leave to lay before you the following statement?—On Monday last, March 21st, application was made by a poor weaver, named Irwin, to the Board of Guardians at Cockermouth for relief. He is in the employ of the firm of ———, Carlisle, gingham manufacturers. It was stated as a reason why relief should be afforded him, that the material recently given out by that firm to their operatives was so wretchedly bad, that it took six weeks to weave what, if the material was good, they could readily do in three. Two of the guardians conversant in such matters were deputed to examine into this statement, and report to the Board. Their report fully confirmed the poor man's statement, and they produced a specimen of the warp fully corroborating this. Yet such is the thraldom in which these unfortunate creatures are held, that the wife most earnestly entreated that no steps might be taken under the act of Parliament, lest her husband and a crippled son should be thrown in consequence out of bread, as they could do nothing but weave. I have since visited the weaving place, and have obtained from this man's loom a specimen of the material, taken at random, which I enclose. Much of it appeared greatly worse than what I send, but it was dyed, and the effects of the colour might (as I supposed) have further injured the texture."

He had told the House that these poor men were paid in goods in place of money. He had a blank form which was used in many factories, in which there were charges for rent, fuel, cash stopped, and cash overpaid—that would happen very seldom, he thought; but then followed fines, the most iniquitous of all things; for the masters hung up a set of rules, which the poor labouring man could not understand, if he did nothing else from Monday till Saturday, nor could he by any possibility help infringing some of them, by which money was stopped from him. On the truck in cottages he had a letter from a working man, but he must not disclose his name, or he would become a marked man, and would not get work at any factory, unless he changed his name. He said,

"Masters of one of the largest mills have houses, and compel their work-people to live in them, or whether they do or not, they must pay for them, and well too; and those who do not live in them, let them to other people. The masters stop their rents out of their wages, for these tyrants have the power to do so—some about 3*s.*, others 3*s.* 6*d.*, 4*s.* per week, and so on. The oppressed get them let, some for about 2*s.*, some for about 1*s.* 6*d.*, others 1*s.* per week, and, in two instances, they have let them for 4*d.* a-week. Until lately, they kept cows, and forced all that lived under them to have one quart of milk a-day, and, in some cases, three quarts a-day, because they have had three workpeople of a family. When they kill their cows, they compel their workpeople to have shares of it; they sell it at the very top price, whether it be good or bad, and they force them to these things, or they must turn face about. If they happen to speak a word, they will give them a character with which they cannot get any more work in the town or the country either. These are some few of the glaring tricks of these Corn-law repealers, these hypocrites, who tell the working slaves, that they wish them to have their rights, that they wish them to have their liberty; but it is all fudge, they are the same as their leaders, the Anti-Corn-law League, they are downright impostors. One of them is now raising his rents for voters, while his hard-working slaves had hard work to keep body and soul together before."

Was that a system that the Government ought to tolerate for any longer period, now that it had come to their knowledge? He would next read some letters from a clergyman of the Church of England:—

"*Wolverhampton, April* 2, 1842.

"Sir,—I am sure I need not apologise for the intrusion of a perfect stranger upon your valuable time, if my statement will tend, even in the slightest degree, to further the praiseworthy object you have in view, of exposing the iniquities of the truck system. I regret to say, that I have too many opportunities of witnessing the working of this tyrannical system in my own parish, and Mr. Villiers need go no further than the borough which he represents, for proof, that a great portion of the distress now existing amongst the poor, is caused by the payment of wages in provisions instead of money.

"I will mention one instance with which I think you should be made acquainted; others can be brought forward, if required: but this is a case which I have taken particular pains to investigate.

"One of the most active partisans of Mr. Villiers, and a principal member of his committee at the election, who was, by the late Administration, made a magistrate for the county of Stafford, is a chief partner in the —— colliery, where the truck system is carried on more infamously than in any other works in the neighbourhood. The men are paid once in four and sometimes five weeks, when they may receive their wages in money if they demand it, but the man who made such demand, would, in all probability, be dismissed; but as it is not possible for their families to wait till the expiration of the month for the means of subsistence, they are compelled to go to the 'Tommy shop,' as it is called here, a ticket to which is given them for any goods they may require. The price of some few of the articles at this shop, compared with that asked by the shopkeepers in the town, I have ascertained, and it will show you at once the dishonest advantage taken by the oppressors of these poor men—

	At Tommy shop. Per lb.	In the town. per lb.
Sugar	9*d.*	7½*d.*
Salt butter	15*d.* & 16*d.*	10*d.* & 11*d.*
Bacon	9*d.*	7½*d.*
Tea	8*s.*	5*s.*

there being a difference of more than 50 per cent. on the article of tea.

"I shall not object to your using my name as the author of this information should its truth be disputed, but at the same time, I may add, that I would not willingly have my name made public.

"My attention has long been directed to this horrid system, and in July last, a letter of mine, under the signature of 'The Miner's Friend,' appeared in the *Wolverhampton Chronicle*, but no good resulted from it.

"I shall have great pleasure in giving you any further information on the subject.

"During the severe weather in 1841, when soup was distributed to our poor at 1*d.* a-quart, it is a fact, which came to the knowledge of my curate, that some of the families, in the receipt of nominally good wages, actually declined a ticket for the soup, on the plea that they had not the penny to pay for it, as they received their wages in goods."

"*Wolverhampton, April* 13, 1842.

"Sir,—In reply to your inquiry respecting the quality of the goods sold at the truck shops, I have frequently seen bad salt butter from these shops at 15*d.* and 16*d.*, while at the retail shops, good was sold at 10*d.* and 11*d.* a-pound; the sugar at 9*d.*, and in one instance at 10*d.* per pound, not so good as at 7½*d.*; flour of a very inferior quality at 11*s.* a-bushel, while I find, that at the very time, the best was 10*s.* at the mill.

"Since my last letter, I have ascertained from a huckster upon whom I can depend, that she is in the constant habit of receiving goods bought at the truck-shop in exchange for milk, potatoes, &c., as the men in some instances never receive money; of course, such barter is not made without a loss to the labouring man."

He begged to call the attention of the House to the following communication he had received as to the city of Carlisle:

"Hundreds of the working classes are grateful for the fearless exposure of the deceptions and villanies practised by the master manufacturers and cotton-spinners of this country. The truck system has been carried on for eighteen years by one of the largest firms in this district; they have some hundreds of cottages, which they force their workpeople to occupy, for which they have to pay 30 or

40 per cent. more than others. The master manufacturers, who employ weavers here to the number of 3,000, supply them with shuttles, hiddles, and brushes (all of which the weaver has to find), and for which they charge enormously high. You might be furnished with a full and accurate exposure of the truck system, and other matters of deception as practised here, provided the parties furnishing it, were secured against future persecution. Protection is absolutely necessary."

Then as to Scotland, he would lay before House the following statements:—

"Coatbridge, near Glasgow, nine extensive ironworks, at which an immense quantity of people are employed. Each ironwork has its store, and a considerable portion of the wages are paid in goods at a profit to the masters of 15 to 20 per cent. above the common retailer. Some of these masters have acted as conspicuous members of the Anti-Corn-law League."

"Paisley.—Working man. Specimen of the nefarious system pursued by our Corn-law repealing masters. Most of them have stores, or cottages, for their workers, particularly those who are the greatest repealers, and their workers are obliged to purchase from such store, and take their cottages, or if not no longer work for them. They are charged about 20 to 25 per cent. above the market price for their goods, with an inferiority of article. The master printers in this country, not content with the above system of robbery, adopt another system of robbery more grievous than the above. They make them work from one to four hours extra per day, what is called overtime, and give them nothing for it. Be so good as not to give up my name, as the master printers would punish me by not employing me."

He had also received this letter from a poor miner, which he would read,—

"Sir,—It is with inexpressible pleasure I write to you, having carefully read all the speeches and remarks you have made in Parliament, and find that you are one who wishes the welfare of the toilworn and cruelly-used British artisan. I see you mean to bring on a motion before the House on the 19th inst., which, if carried, will be the cause of bringing to the world an exposure of the robberies and cruelties played off by our employers upon us miners. Every coal and iron master in and round this extensive mining district are law-makers; and believe me, the laws they make and put upon their office-doors are of the most hideous caste. We are obliged to bend under them, for should any of us resist them, as some actually does, we are pounced upon by them, carried before the sheriff or magistrate of the district, who never fails to decide against the miners, on the ground, that 'these are the rules of the work, and you must abide by them.' In consequence the victim has either to go to bridewell, or pay 2*l.* or 3*l.* of expenses; the latter he is not able to do, so he is imprisoned, and his family starved. There is a general law practised at all these works which I will take the liberty of exposing. If any miner allow his father, his brother, or his son to sleep one night under the roof of his house, and they are employed at any other work but the work he is employed at, the unfortunate miner is charged double rent for each fault, and compelled to pay, it being a rule at the work! Our employers have almost all victualling stores at their works; the miners are compelled to take all the provisions they need from these stores, at a rate price far above the market or any grocer's shop. They wish the miner to have nothing left at pay-day, yet they strive to have him out of debt with them also, by keeping his belly to match his earnings. I know many industrious miners who have not handled a shilling of their own earnings these four years; and it is a general feature in the trade, when they wish to reduce the wages, or introduce any new rule, that they shut their store, and never fail to gain their point, by starving poor men into their measures. At works where there is not a store, the miner has to pay his employer 1*s.* for every pound he lifts, at any other time than pay-day, which is bad enough, but nothing to a store."

The pernicious system he was exposing extended also to Ireland:—

"In Portland, county of Waterford, said a letter, which he had received, a wealthy firm, who lately offered 80,000*l.* for a property, carry on the infamous truck system in full operation. The operatives are compelled to live in houses built by their employers, exorbitant rents are demanded, which are stopped out of their weekly wages, and a shop, with numerous articles for sale, is attached to the premises. The poor people are not paid their miserable earnings in money, but in bits of printed card paper (marked with the name of the firm) called 'tokens,' which will only pass as an equivalent for goods at this truck shop belonging to the mill. I need not tell you exorbitant profits are made."

But what would the House say, when he told them, that under this system, which extended through England, Wales, Scotland, and Ireland, the workpeople were compelled to pay for Anti-Corn-law pamphlets, fined 6*d.* for speaking, and 1*s.* for singing; called upon to obey rules which they could not help breaking, and fined enormously for doing so; for money lent, usurious interest was exacted? He wished particularly to draw attention to the following:—

"On the 14th December, a manufacturer was convicted before the Sheffield magistrates for paying wages in cloth; he asked 2*l.* a yard; the workman gave 1*l.* 15*s.*, and sold it for 11*s.*, proved before the magistrates to be its full value, and a quarter of yard not fit for use; fined 10*l.* and costs. Two more, 5*l.* and costs."

No doubt the right hon. Gentleman, at the head of the Home Department, would talk about the law having been enforced; but his case was, that for one case in which the law had been enforced, in ninety-nine it had been successfully evaded. Now, he wished to observe, that when the hon. Member for Wolverhampton had, on a former occasion, read a statement from a person residing in his part of the country, that statement asserted what was utterly untrue,—namely, that he had applied the charges he made to all the manufacturers of Yorkshire, whereas he had only applied them to some, and those belonging to the League. This statement, moreover, had been supported by fraud and forgery, for many of the signatures were positive forgeries; and some of those who signed were making 70 per cent. on the poor. He would also read a passage from the report (p. 552) of H. S. Chapman, esq., of the Middle Temple, an assistant commissioner for inquiring into the condition of the handloom weavers in the United Kingdom, in 1838. It would show, that not only does the truck system prevail in the West Riding of Yorkshire, but that any complaint on the part of the weavers was generally followed by loss of employment, as he had stated in the House.

"At Idle, where I held a public inquiry for the townships of Idle, Shipley, Eccleshill, and Bolton, a written statement was handed in, complaining of the existence of the truck system at a small hamlet called Windhill, in the first-named township. It is a fact worthy of notice, that I was begged not to ask questions on the point, as any testimony on the part of a weaver who had suffered from the custom would have been followed by loss of employment. I was, however, assured by many persons, both employers and weavers, that the allegation was correct. This shows how completely impotent is the law, howsoever stringent it may be, where both employer and employed will consent to violate it. The employed is compelled to submit; the constantly overstocked state of the labour-market places him at the mercy of the master, and the same condition prevents him taking a single step to expose the fraud to which he is subjected. At Churwell, south of Leeds, another form of truck was exhibited to me, as existing at Beeston, where there is a factory employing between twenty and thirty handloom weavers. It is the practice of the owners of this factory to oblige their weavers to take part of their hard earnings in cloth, in some cases less than half being paid in money."

And now as to Birmingham he would read the following:—

"To the Editor of Aris's Gazette.

"*Small Arms Department, Birmingham,*
March 10, 1842.

"Sir,—Great complaints have been made to me lately by the labouring men in the gun-lock trade, and I yesterday visited the neighbourhood of Wednesbury and Darlaston, where that branch of manufacture is principally carried on, and I find that the practice of paying the workmen by truck, or 'tommy,' as it is called amongst the men, has been, and is at the present moment, carried on to a ruinous extent.

"To all those persons who are employed as contractors for the supply of musket locks for her Majesty's service (many of whom, however, I must say, have not lent themselves to the practice), I have given notice that I am determined to put down such a nefarious and illegal system in every way in my power; and that so far as those supplies are concerned, I shall insist that the lock-filers do receive the wages agreed upon in money, without subterfuge, trick, or evasion, either by tickets upon other parties, by discount, by pretence of loan, or by any other dishonest contrivance. The labourer is worthy of his hire. A fair allowance is made for it in the contract price, and he has a right to spend his money as he will in the best and cheapest market.

"If you will have the goodness to make this, my resolution, more extensively known through the medium of your widely-spread publication, it may be the means of benefitting a very deserving class of workmen by drawing attention to this destructive practice; and you will at the same time confer an obligation on your very obedient, humble servant,

"George Lovell,
"*Her Majesty's Inspector of Small Arms.*"

If he wanted any confirmation of the justice of his motion, he need not go far for it. He would remind the House that this was not the first time the working classes had, by their advocates, appealed to the House for protection, and that their claim had, ere this, been recognized. On the 17th of February, 1795, a motion was made by Mr. Whitbread for a protection of labour, seconded by Sir R. Peel (the present right hon. Baronet's father), supported by Fox and Sheridan, and admitted to be just by Pitt, who sanctioned the payment of wages out of the poor-rates. Then in July 5, 1830, Mr. Littleton moved to bring in the Labourers' Wages Bill, on which Mr. Huskisson said—

"If any hon. Gentleman would take the trouble to inform himself as to what was passing in Staffordshire, and in part of the cotton and clothing districts, he would find that a very great portion of the distress now prevailing there was not so much owing to want of employment as to the undue and unfair competition to which the truck system gave rise, by making the whole trade a struggle between the avarice of the master and the necessities and comforts of the workmen. Why should we not extend the same protection to those who had no friend to guide them, and who looked up to the Legislature as their shield against the extortion of those who regarded only their own advantage, and never thought of the sufferings and afflictions of those whom they employed? It was upon these grounds he was ready to acknowledge that on the score of humanity and feeling he gave his support to the bill, and should do so even if it were opposed to the doctrines of political economy, with which, however, he contended it was perfectly consistent."

On the 3rd of May, 1830, Lord Stanley presented a petition from the manufacturers, tradesmen, and others of Heaton Norris, against the truck system, and stated—

"That this system gave great advantage to a few rich men, who acquired immense profits at the expense of the labourers—a system that was as injurious to the manufacturers who did not adopt it as to the workmen who were its immediate victims."

On the 5th of July, 1830, Sir Robert Peel said—

"The great evil of the present day was a tendency to diminish the enjoyments of the poorer classes; and he could conceive nothing more likely to reduce them to a state of servitude than that their master, who might be getting 8,000*l.* or 10,000*l.* a-year by his manufactory, should take from them 2,000*l.* or 3,000*l.* more by dealing in bacon and cheese. He hoped that if this bill were lost by the means which the hon. Member (Mr. Hume) possessed, and might use to defeat it, the working classes would understand that it was he who was responsible for the consequences."

The hon. Member concluded:—Sir, I have done my duty in bringing this question forward. The responsibility rests on the House and on the Government, of dealing with the claims for justice and redress of honest manufacturers and distressed workmen. If the Government resist the motion, the responsibility of rejecting it will be theirs. There is, let me assure them, an intense feeling abroad upon the subject. There are not far distant honest manufacturers, who have come from the north at their own expense to give evidence upon this committee, and to declare that they must either be honest themselves and retire from trade, or be as dishonest as those who have till now oppressed the poor and disgraced the country. There are those, not far distant, who are ready before a committee of this House to substantiate those claims for justice which there, and there only they can assert. In their name I appeal to your justice for that protection which here alone they can seek, and which here they have an inalienable right to claim. This motion may be lost; but if it be, it will be lost to the serious injury of trade and commerce; it will cause heartrending affliction to thousands of the working classes who are anxiously awaiting your decision. And ardently I do hope that the Government will discharge the duty they owe to the public as the guardians of the country's honour, and of the Sovereign's dignity (feeling that dishonour at home or abroad must sully the lustre of that Sovereign's diadem)—that they will discharge that duty by agreeing to the motion, which I urge on the unassailable principle that the labourer is worthy of his hire.

Mr. *Feilden* said, if the practice had taken place which the hon. Member had described, it was a disgrace on the English nation, and a remedy was required. It was high time that the Legislature of the country should make an inquiry into the practices said to prevail, and if such were found to be the case, to apply a remedy.

Mr. *Wallace* was exceedingly desirous that this committee should be granted. He believed that there was a good deal of truth in what the hon. Member had stated, and he believed also that there might be fallacious statements mixed up with the communications of the hon. Member, he (Mr. Ferrand) believing them to be perfectly true. He hoped the right hon. Baronet (Sir J. Graham) would grant the inquiry in whatever form it might be thought most desirable. He believed that it was very unwise to continue the truck-system in any form, and he believed that the Government would do well, if satisfied that the evil existed, if they could provide some easy and cheap means by which those who offended against the law might be prosecuted. The great evil in this country was the difficulty of obtaining cheap justice.

Mr. *Wakley* had felt surprise at the apparant reluctance of the Members of the Administration to address the House after the speech of the hon. Member for Knaresborough. What he gathered from their silence was this, that there was a desire on their part to ascertain what was the feeling of the House with regard to this proposition. If that were so, nothing could be more commendable. He considered that a motion of this kind could scarcely be granted with a strong feeling of the House against it, and he also thought it scarcely possible that the Government could resist the motion with a strong feeling in the House for it. The charges of the hon. Member for Knaresborough were of the most serious character, and affecting the comforts and the happiness of millions of our fellow countrymen. Even if these charges were made on false testament of the most heinous description, he considered this House would not be discharging its duty to the working people of the country if it did not insist on inquiry into their truth or their falsehood. It was stated that the working people were completely the slaves of their employers—that they were in such a state of dependence and destitution that they could scarcely be said to be living in a country in which freedom was a part of the constitution. He sincerly hoped that the Government would not oppose a motion of this nature; but in order to make the inquiry effectual, and to do full and complete justice, the investigation must not be a partial one—it must be levelled against all classes of employers, and extend to the employers of agricultural labourers. [" *Cheers.*"] He was glad to hear that cheer; it showed that hon. Members were actuated by far higher motives than self-interests, and that their desire was to do full justice to the working people. The gravamen of the hon. Members charge was that the manufacturers were paying their workpeople in kind, and giving them food instead of money. How was it that the hon. Member had not acquired further information on this subject? Was he aware that in Scotland, and to a very considerable extent in the north of England, the truck-system prevailed on farms as well as in manufactories? Did hon. Members deny his assertions by shaking their heads? He assured them that there was more in his statement than was to be found in their heads. What he was stating was the plain and naked truth, and hon. Members connected with the north of England would not deny, that it had been the practice, time out of mind, to pay the labourer on farms in kind, and not in money wages, both in Scotland and England. He would not assert that this practice had operated unjustly; but, in order that an inquiry of this nature should be full and complete, and give satisfaction, the investigation proposed should not be partial. He, therefore, wished to introduce in the motion after the word "railways," the words "and by occupiers of land in the United Kingdom of Great Britain and Ireland." He hoped the hon. Member for Knaresborough would not object to this alteration, and that the right hon. Baronet would not object to it, because if they limited their inquiry to the manufacturers, they would be prejudging the case, and assuming that they had been acting in this unjust and oppressive manner towards their labourers, and would cast a stigma on the commerce of the country which it would be difficult to remove. But if they introduced the words he proposed, it would show that the inquiry was to extend to the payment of all labourers. He, for one, tendered his thanks to the hon. Member for the exertions which he had made in the cause of the people. From the fervour of his feelings the hon. Gentleman had occasionally been led into the use of harsh terms, but he believed, that it had arisen from his anxiety for the working people, and that it was not his intention to cast unjust allegations. He most cordially supported the motion, and should feel most grateful to the Government if they acceded to it.

Colonel *Sibthorp* most cordially seconded the amendment. He thought it was but fair that the inquiry should be general. With regard to the charge that the truck-system was practised amongst the farmers of the north of England, he had never known a single instance of it though he had property in various parts of the north of England. He sincerely hoped her Majesty's Government would assent both to the motion and to the addition moved to be introduced into it.

Mr. *Brotherton* should wish that the amendment proposed by the hon. Member for Finsbury should not be persisted in, for two reasons: one was, the act which was passed two years ago for preventing the truck-system specially excluded the agricultural interests. To the manufacturers it was made illegal, but legal to the farmers. He believed, that the practice was very general in Scotland, and in many parts of England; and if the words moved to be added by the hon. Member for Finsbury were inserted in the motion, the committee would never finish its labours; and, therefore, he wished the inquiry to be confined to the manufacturing interests. He would add his request that the committee might be granted. He believed, that there was considerable oppression exercised by the manufacturers. There was no doubt of it; and he did say, that the system ought to be put down if possible. At the same time he wished that a fair committee might be chosen, and that it might be clearly ascertained whether those engaged in the truck-system were members of the Anti-Corn-law League or not. He believed from all the information he had, that where one manufacturer in the Anti-Corn-law League practised this system, there were ten not connected with it who did. He was exceedingly anxious that the whole truth should come out, and that a committee of inquiry should be appointed, and that whether this system were practised by members of the Anti-Corn-law League or not, it should be put an end to.

Sir *J. Graham* said, he had anticipated, after what had taken place on a former evening, when very strong assertions had been made by the hon. Member for Knaresborough, which were as strongly contradicted on the opposite side of the House, and when hon. Members had been almost taunted to move this inquiry, that the motion would not be objected to. He certainly should not have thought it consistent with his duty to consent to a motion, the terms of which were calculated to convey a stigma upon the manufacturing interest, because, as had been truly stated by the hon. Member for Finsbury, the adoption by the Government of this motion, upon the presumption that this practice was common amongst the manufacturers, was a step which would be derogatory to the honour of the commerce of this kingdom, and which he should be very sorry to give countenance to. He was certain that both in the home and in the foreign market, the natural effect of honest competition would be to put an end to these fraudulent practices, and that the fraudulent manufacturer and tradesman would not long be enabled beneficially to persevere. He believed, that these were household truths familiar to all Englishmen, and that a departure from these rules was the exception, and the strict observance of them the general rule. He could not, therefore, concur in any sweeping condemnation of the class of manufacturers in this country. He must say, that he saw something to regret in the terms of the motion as they now stood on the orders, in the frequent repetition of the word "fraud." With respect to statutory enactments to prevent those frauds which did occasionally occur, the hon. Gentleman had shown that they were abortive. With regard to the first part of the motion of the hon. Member, he thought it unnecessary, in consequence of the sessional orders which already stood on the journals relative to witnesses to the same effect. He would beg that the sessional order on the subject should be read. [Sessional order read.] He was satisfied (the right hon. Baronet continued) that inquiry as to the necessity of further legislation to prevent frauds in manufactures would be fruitless. He (for one) should altogether despair of the success of any attempt of that kind; and he repeated, that the real remedy would be found in the competition of honest tradesmen. The question then narrowed itself to inquiring as to the payment in goods and not in money. Several acts of Parliament had been passed to prevent this. The last measure of that kind was brought in by Lord Hatherton, then Mr. Littleton, and the act now upon the statute-book had been passed with very general sanction and concurrence. He confessed, that at the time that act passed he did not think it possible not to favour the principle of it. In prosperous times, when the demand for labour was increased, the workman was master over his employer; but in less prosperous times there would always be a strong temptation in the employer to reduce the workman's wages. It was most painful to a master to say, to his workman who had been working for him twelve or fourteen hours per day, "I am paying you too much." He was naturally driven by the pressure of the times to find evasions to reduce his workman's wages; and what was the natural mode to which he resorted? He had recourse to that which the law prohibited. The workman was then no longer the master; he was absolutely dependent on his employer, and his employer, either directly or indirectly, gave him to understand that if he did not consent to the charge he made, either for rent or goods, he should no longer be employed by him. Under the pressure of such circumstances the labouring man submitted, and hence, as had been truly said in one of the letters which had been read to the House by the hon. Member for Knaresborough, the existing law was impotent. The Legislature might make the law as stringent as they pleased; still, when the demand for labour was not effective, whatever enactment might be placed upon the statute book, still, indirectly, wages would be lowered in the way complained of by the hon. Member for Knaresborough. He was aware of the exemption as to farm labourers mentioned by the hon. Member for Salford; and one of the objections he had to granting the committee was the fear that the Government might contribute in the least degree to the perpetuation of those angry feelings which recent discussions in that House had occasioned between the manufacturing and the agricultural classes, and that if the enquiry were limited, the concession of the committee would have the air of partiality. But while he had, in concert with his right hon. Friend at the head of the Government, been listening to the present discussion it had occurred to him that it might be possible to open a limited inquiry not subject to the objections he had shortly stated, and which at once would be fair, equitable, and comprehensive. And with this view he was prepared to move that,

> "A select committee be appointed to inquire into the operation of the law which prohibits the payment of wages in goods or otherwise than in the current coin of the realm, and into the alleged evasions and defects of the present enactments."

He did not anticipate any disadvantage would arise from the most rigid inquiry of the character he had suggested. In the north of England, in Northumberland, and in the Cheviot-hills the shepherds were paid in kind by certain quantities of oatmeal, flour, and other commodities, and he thought it would be found that there was no evil arising from the system, but the contrary. On the other hand, he thought upon an inquiry into the subterfuges of certain classes of manufacturers, it would be found that there were great abuses in the evasion of the statute known as Mr. Littleton's Act. He thought that by a committee impartially and in a fair and candid spirit appointed, so far from evil, good might arise; and, if in the midst of the existing distresses of the working classes this inquiry might be soothing to their feelings—if it would be satisfactory to them, and would allay anything like angry feelings, which, notwithstanding the patience they had exhibited might exist, he should rejoice that he was able consistently with his sense of duty to give such an inquiry his support. There was already an amendment before the House, but, if without impropriety, he could do so, he would move the amendment he had suggested, and which he fancied was in accordance with the general sense of the House.

Mr. *Wakley* said, he should most willingly withdraw his amendment.

Amendment withdrawn.

Sir *J. Graham* said, that being the case, he should move his amendment,

[Amendment before given moved accordingly].

Mr. *Wakley* asked, whether the amendment which the right hon. Baronet would substitute would extend as far as his amendment would have carried it?

Sir *J. Graham* said, he conceived that the clause of the act to which the hon. Member for Salford (Mr. Brotherton) had referred, and which exempted domestic servants and servants in husbandry might be considered in the terms of his amendment as one of the defects of the existing enactment, and therefore the committee would have the power of going into that question.

Mr. *Ferrand* inquired if the investigation as proposed by the right hon. Baronet the Secretary for the Home Department, would extend to the frauds in manufactures of which he had spoken?

Sir *J. Graham:* No. I have endeavoured to explain that I did not seek to go into that subject.

Mr. *J. S. Wortley* said, that when he had risen a short time since, it was with the intention of offering to the House a few observations very much to the same effect as those which had just now been made by the right hon. Baronet the Secretary for the Home Department, and he had intended to suggest the appointment of a committee, in terms nearly coincident with those submitted by him, but at the same time comprising expressions which he thought it desirable to add to the terms of that appointment, with a view to extend the inquiry to a particular issue. The right hon. Baronet by his amendment would appoint a select committee for the purpose of inquiring into the evasions and defects of the existing law, but he did nothing which would practically direct the attention of the committee towards the improvement of that law. The terms which he had intended to submit to the House were, that a select committee be appointed to inquire into the operation of the statute 1 and 2 William 4th, chap. 37, with a view to ascertain how far it was possible to render that act more effectual for the protection of labourers from the abuses in respect of the payment of their wages. The attention of the committee would thereby be more especially directed to the remedy of the abuses of the law as it at present stood. He was afraid the provisions of that law were in spirit most extensively evaded, and that the right hon. Baronet took too favourable a view of the matter when he supposed that the abuse was confined to times of distress. If the hon. Member for Marylebone were present, he must admit, that in the districts connected with the iron trade, the abuses prevailed to a much greater and a more deplorable extent than the right hon. Baronet seemed to imagine. He did not mean to say, that such evasions and practices were universally prevalent, or that the manufacturers generally might not be able to stand the test of such an inquiry; but nevertheless, he could not help thinking, that when this House had declared its intention, so far as in it lay, to interfere for the purpose of preventing practices of this kind, and to interpose the arm of its power to resist abuses of the nature spoken of, and when it had already interposed by legislation to resist abuses which pressed so heavily on that extensive class of the community, the working class, it was a fair and legitimate object for inquiry how far the statute had been effectual in the accomplishment of the objects for which it was placed upon the statute-book. He had intrinsically no objection to an inquiry of the largest description; for if these illegal practices prevailed to the extent asserted, and when the hon. Member for Knaresborough stated he could prove all he had stated, that fact alone, affecting as it did the industry, the commerce, and the honour of this country, was deserving the most serious consideration of this House. When he said thus much, he must add, that he doubted whether he could proceed as sanguinely as his hon. Friend, the Member for Knaresborough had done. When his hon. Friend talked of frauds, he doubted whether it would be right so to interpose as to place an effectual check or guard upon practices so vague and complicated. His hon. Friend had quoted instances of different descriptions, collected by him with great industry, but with which it would be extremely difficult to deal. For instance, his hon. Friend had spoken of watches, manufactured and sent to foreign markets, professed to be of the best description, but on trial it was found that the hands would only go once round. Now he should be glad to know by what means his hon. Friend the Member for Knaresborough would prevent the maker from manufacturing such articles. But there were many other manufactures in which the vigilance and ingenuity of the Legislature might be utterly and entirely evaded. On the whole, he thought there would be so much difficulty involved on the part of his hon. Friend's motion, that there would be no chance of the committee coming to a satisfactory conclusion, and therefore it would be better to confine the inquiry to the limits proposed.

Mr. *Muntz* was perfectly convinced, that no legislative enactment could prevent or put down the truck-system. He had himself been extensively and for many years engaged in manufactures, but he had never practised it, and he was convinced it never permanently could answer the purpose of any man who adopted it. It was not necessary in order to carry the truck-system into effect, or to commit this crime, as he supposed it must be called, that the party should appear in the matter. All that the party adopting the truck-system had to do was to support a shop in the neighbourhood of his own manufactory, and to take care that his work-people were recommended to that shop, and that those who did not buy there should have no employment. No law could prevent this; and therefore it was that he contended the motion in its present terms would prove an abortion. He hoped the right hon. Baronet opposite (Sir J. Graham) would extend this inquiry, and give the hon. Member for Knaresborough full scope to prove all the exaggerated charges he had made against the manufacturers of the country. He did not hesitate to say that the hon. Gentleman had been grossly made use of on this question. It had been stated, that in Wales the truck-system was extensively practised. Now, he lived near Swansea Heath and other places where the iron trade was carried on, and he knew only of one party who adopted it, and that too in so easy, plain, and proper a manner, that it was praised and eulogised by the workmen themselves. They derived an advantage rather than otherwise from it. It was true there was distress now in the country, and that distress naturally gave the power to the masters to take advantage of the truck-system. But he could only see one way of remedying the evil complained of, and that was by legislating so as to place the country in that situation which would render the men independent of the masters. The committee proposed would be utterly useless, and no good end would be derived from it. The trouble would be thrown away, and the hon. Member for Knaresborough would be prevented from proving the case, which he was bound, after the charges he had brought, to make out. He was extensively connected with the export trade, but he had never heard any complaint against the manufactures of the country. It was true, that penknives had been made from cast iron, but they were sold at a penny a piece, and nobody expected they were made of refined steel. He had bought thousands of gross of scissors at 3*s.* 6*d.* a gross; it was true they were not finely polished, and it was quite enough that they would cut. They were made at those low prices in order to meet the competition with foreign manufactures. He repeated, that the hon. Member for Knaresborough had been grossly made use of, and if he had spoken the truth, he ought to have full scope to prove the charges he had made against the manufacturing interests.

Mr. *M. Philips* thought the amendment of the right hon. Baronet (Sir J. Graham) extremely judicious. He was not there to palliate the practice of fraud in any branch of manufactures; but he must say, he thought a discussion like the present would tend very greatly to the injury of the trade of this country by lessening this nation in the eyes of foreigners. On these grounds he should deprecate any inquiry into the allegations of the hon. Member for Knaresborough. With reference to the truck-system, he was not aware that it was practised in the district with which he was connected: but he candidly admitted it was adopted in many districts. There were numerous concerns in this kingdom, situate at such distances from towns that the workpeople employed were in a state of complete isolation. If the hon. Member for Knaresborough proposed to make any inquiry as to these alleged frauds, he would only complete half the investigation if he limited it to those branches of trade to which he had alluded; but if he extended it to others, he might consider his committee a permanent one, and might find frauds to the same extent in every trade. He thought, too, that the hon. Member, in some of his observations with reference to foreign trade, had much mistaken the position of this country with regard to that trade. The hon. Member had referred particularly to the trade between this country and Brazil, and seemed to think that it was owing to some imperfect—fraudulent, he believed, the hon. Member called it—mode of manufacturing British cotton goods, that we were losing our trade with that country. Now, the hon. Member must recollect that the manufacturers of this country were not allowed to send what quality of goods they pleased, but must submit to foreign orders, and he would only point out the peculiar character of a great part of the Brazilian trade to show that the British manufacturers were innocent in following the instructions that were sent to them. There had been, he regretted to say, an enormous slave traffick between Brazil and the coast of Africa, and many of the articles sent to the Brazil markets had been manufactured for the purposes of exchange between those sordid individuals, the slave-owners of Brazil, and the traffickers in human blood. He had himself been engaged in the Brazil trade, and it was with a Brazil merchant that he commenced his commercial life; but he had the pride of being able to say, that the firm he joined, although engaged in that trade, never would sully its character or honour, or Christian feeling, by sending one article of British manufacture to the Brazilian market which it knew would be destined to the African trade. He therefore felt that he came out of this question with clean hands. We had been driven from the continental markets, the most valuable for the sale of British cotton goods, to the most distant and poorest markets in the world, and the tendency had been to deteriorate the quality of the articles manufactured. The cause of that was, he thought, our having pursued an unwise policy in not exchanging our articles for the produce of the continent. We had also not only been driven to those distant markets, but had been placed in competition with continental manufacturers. With regard to using paste in the manufacture of cotton goods, he would recommend the hon. Member for Knaresborough to visit the manufacturing districts, and to inquire whether it was possible to weave certain cotton fabrics without flour or paste. Recently, in consequence of the high price of flour, the article of sago had in some manufactories been substituted for it. But he wished to point out the extent and importance of the use of flour as a necessary article in the manufacture of cotton goods, and for that purpose he would refer to the evidence of Mr. W. Graham, of Glasgow, who was examined before the committee in 1833. In his own firm that gentleman said they paid as much as 600*l.* or 700*l.* per annum for the flour they used, and he considered that on an average in the year not less than 41,050,000 lb. of flour were used in manufacturing cotton goods. The hon. Member had employed exceedingly strong terms in his condemnation of the manufacturers, and he thought that the right hon. Baronet the Secretary for the Home Department had taken a very proper course in regard to the hon. Member's motion. He did not think that any legislative enactment could put down the frauds described by the hon. Member; but, knowing how much this subject affected the happiness and prosperity of the working classes, he thought such an inquiry as was proposed by the right hon. Baronet would not be useless, and so far, therefore, he agreed with him on this subject.

Mr. *Plumptre* doubted whether the practice of using paste in the manufacture of cotton goods justly came under the denomination of fraud; for he believed it was the practice of the manufacturers to use it for the purpose of thickening certain cotton goods, and they did it openly and without concealment. As to the inferior nature of the articles, it must be remembered that inferior prices were paid for them.

Mr. *R. Yorke* thought the original motion of the hon. Member for Knaresborough was the best form in which this question could be put; and recollecting, as he did, how the Government, as a body at least, cheered on the hon. Member when he made what were doubtless very strong allegations against the manufacturers, it was their bounden duty to leave the question in its original form.

Mr. *Cobden* said, the question of the truck-system was first mooted on the fifth night of the discussion of the Corn-laws, and was mixed up with that discussion by the hon. Member for Knaresborough, who closed that night's debate with one of the most extraordinary and extravagant speeches ever heard in that House. It was full of charges against the Anti-Corn-law League, or those persons who advocated free-trade in corn, and the hon. Member was cheered on by hon. Members opposite. The hon. Member had repeated those charges that evening, but had included in them the iron-masters in the neighbourhood of Glasgow. He had, indeed, gone further, and embraced within his charges the whole of the manufacturers of Ireland. He had taken down the words and distinctly stated that those were the words of the hon. Member. He had been so often subject to this recantation, that he took down the words. But what he wished to say was, that the manufacturers of Ireland, and the iron and coal-masters of Lanarkshire, who were not Members of the Anti-Corn-law League, were included in the charges. The hon. Member also took in the Midland counties, and included the iron-masters of Staffordshire and Wales, who were not prominent supporters of free trade doctrines. It appeared, then, that the charge was comprehensive and fair; that all manufacturers and miners were included in this charge of the truck-system. And what did he find on the other side but that a perfectly fair spirit prevailed. The right hon. Baronet had fairly laid the question before the House, and he approved of the whole plan laid down by him. But he would ask the right hon. Baronet why he had not shown the same fairness before when the accusations were levelled at a political party? The right hon. Baronet then sat with a smile upon his countenance as complacently as on this occasion, when there was no longer any reason for allowing those charges to go forth. And what was the effect of the hon. Member's charges? They were printed and circulated throughout the manufacturing districts; and the organs of the press took up the subject and attacked the Anti-Corn-law League as being persons addicted to the truck-system. He did not attach much importance to the hon. Member's statements, because he feared that they were made on insufficient evidence, as he had proved in his own case. But he looked with considerable pain at the conduct of Members of the Administration, who allowed those calumnies on a great part of the manufacturers to go forth to the civilized world, and did not say one word in discouragement of the rapturous applause with which they were received on the other side. But it was no longer a party question. The whole of the manufacturing and mining interests were included in it. [" No."] Did the hon. Member charge the Anti-Corn-law party exclusively. [Mr. *Ferrand*, " No."] Then the hon. Member included all manufacturers and miners. But the question was taken out of the hon. Members hand's, and they had the motion of the right hon. Baronet before them. He therefore presumed that the committee would be fairly appointed from both sides of the House, and that the inquiry would embrace all parties. As to the consequences of the inquiry, he was perfectly at ease. With respect to the accusation of adulterating manufactures, he did not fear that any statements that were made in that House would have the least effect on our foreign trade. We were exporting more manufactured goods than all the countries of the continent put together, and did they think that if all the goods were spurious the sale would continue? If it was in regard to the home trade, then the remedy was in their own hands. The manufacturers said, "Give us free trade in corn, and you shall have free-trade in manufactures." If, again, labour was redundant in this country, let them widen the field of industry, and open greater sources of employment. The inquiry that was to be made could not affect those gigantic capitalists of whom he had heard so much as being implicated in the truck-system, but would affect the indigent manufacturers, who were only able to keep themselves by the truck-system, which virtually had the effect of lowering wages.

Sir *Robert Peel* was surprised at the tone in which the hon. Gentleman had spoken, and at the charges he had brought forward against his right hon. Friend (Sir James Graham). He did not know under what peculiar obligation was his right hon. Friend to vindicate the Anti-Corn-law League. He had understood that this body had been pretty well represented in that House, and if they were charged with malpractices, surely these hon. Members would speak for them. How could his right hon. Friend, who knew nothing of their affairs, rise to defend them? A more intolerable inquisition than the hon. Member had established over the cheers and smiles of that side of the House he could not conceive. The hon. Member said—" You cheered, you were absolutely guilty of cheering; there was a smile upon your countenances, and therefore you sanctioned these imputations." Then it was said that this great party had circulated the speeches of the hon. Member for Knaresborough He had never heard of it, and he could not be responsible for such a distribution. It was just as unreasonable to say that the party took great interest in that speech, because it was distributed, as to make a reference to the *Anti-Corn-law Circular*, or some such publication, and inquire what part the hon. Gentleman took in its circulation. He thought it would be better if they left out those references to smiles and to cheers. If a motion had been made affecting the Corn-law League, he would have made proper inquiry, and would have acted from no party feeling, but upon the Corn-law debate it was not for him to vindicate the Anti-Corn-law League. This was the first time he had been called upon by any motion before Parliament to express his opinion, and he was now quite ready to say what course the House ought, in his opinion, to pursue in relation to the motion of the hon. Gentleman the Member for Knaresborough. He was not prepared to go into any inquiry such as was proposed, nor into any inquiry into the frauds which were said to have been committed by members of the Anti-

Corn-law League; for he was not prepared to throw any such imputation upon them as was made, but he was prepared to go into any inquiry upon the principle upon which the House of Commons ought to undertake it. It was not sufficient to say that an hon. Gentleman had made a speech which contained matters of grave charge; because, if the House were to yield to every such provocation, hon. Members might at any time command an inquiry into any subject upon which they chose to make assertions in the nature of charges against any body of men; but they had to determine whether, upon other grounds, this inquiry was to be had. With regard to the first branch of the proposition of the hon. Member, he should be exceedingly sorry to be a member of a committee having to make such an investigation. First, he could not acquiesce in a course, the effect of which would be to throw such an imputation upon the great body of the manufacturers of this country; for the House of Commons to presuppose the manufacturers of this country, with qualification or exemption, to be concerned in the commission of frauds such as were suggested, would be to sanction an imputation to which he could not lend himself. He had no doubt that frauds were committed; and so long as the world existed such frauds would continue to be carried on, and dishonest men would be found, whose criminal ingenuity would evade the operation of any law which might be adopted. The best security against such frauds was that which was afforded by free competition, and by the preference which the exertions of an honourable and an honest man would always gain over those of a person whose conduct was characterised by fraud. And the second ground on which he should oppose this part of the motion was, that precautions such as those proposed to be taken very frequently defeated themselves—that when the legislative precaution was supposed to be sufficiently strong, private care and attention was in a great degree lost sight of, and so the door was opened to increased frauds. He recollected that when he first went to Ireland the butter trade was one in which great frauds were supposed to exist, and, in order to provide against the evil effects produced by the system which had been carried on, it was determined that a butter taster should be appointed, and there was not a single firkin of butter went into the market which was not tasted by this officer, and stamped with the Government seal. The consequence of this was, that the tasted butter always fetched its price, and the ordinary precautions of the public against frauds being no longer employed, a false reliance was placed in the legislative precautions used, and the frauds in the trade increased tenfold. Depend upon it, the natural interest of the purchaser was his greatest security against fraud; and the man in whose conduct, both as respects the home and foreign consumer, the greatest integrity and honesty was displayed would eventually succeed the best. Therefore it was that he should decidedly object to any proposition which would bear upon the face of it a general imputation against the whole of the manufacturers of this country. He firmly believed that the manufacturers of the country were exempt from that imputation; and he never could consent to hold it out to foreign countries that the House of Commons had thought it necessary to institute an inquiry into the frauds of our manufacturers. But another reason for which he should disapprove of such an inquiry as was proposed was, that he was sure, that even confined as it was proposed to be by his right hon. Friend (Sir J. Graham), it would be exceedingly difficult to see when there would be any probability of its termination. Referring to the truck system alone—that was a subject upon which he had had some experience, and upon entering into the discussion of such a question, it appeared, *primâ facie*, that the principle of any law to be agreed upon, should be, that all wages should be paid in the current coin of the realm. But he cautioned the House not to adopt any such view, because he believed that it would be found that it could not be sustained. Why, the Government itself was the largest truckmaster in the country. Let them take the navy or the army of this country; rations were paid to them both, and they were both supplied with clothes in lieu of pay, and this was a case in which the principle of the truck could not be departed from. In the course of any inquiry instituted into this subject, they would find gross and unwarrantable frauds, and he could imagine nothing worse than the conduct of a master who abused the power which he possessed over his workmen, compelling them to purchase of him articles inferior to those which they could obtain elsewhere, but at the full price. He believed, however, that that was a state of things which existed, and he believed that even where a demand for labour existed, the master might yet possess the power to continue a system so obnoxious. It might be very difficult for the labourer, fixed by any ties to a particular spot, to escape from such a system; and when a master, directly or indirectly, compelled his workmen to deal with him without necessity, he said that it was a gross offence against society, and that he should rejoice to find that some law could be framed, by which such a system could be effectually stopped. Cases would be found, however, where a system of truck was necessary; for in cases of mines and other works carried on in a part of the country remote from towns, and in a position where a daily visit to a town four or five miles distant, for the purchase of food, was requisite, for each of which a deduction would be made in the amount of wages to be received by the labourer, he thought that it would be admitted to be for the benefit of the workmen, that shops should be established in their own vicinity, even though it was by their masters, to supply their daily wants. Cases of this kind would be found, even where the masters had pursued a system of this kind to their own loss, the charges made by them for their commodities being perfectly fair and equitable. If such a system was contrary to law, undoubtedly it ought not to exist, but he believed that the result of any inquiry would show the extreme difficulty of getting rid of a mode of proceeding, in some instances so favourable to the men, whom it was supposed to injure. But taking the case of the rural labourer; he had heard it said that the measure the most prejudicial to the interests of this class of persons, was that which drove the farm labourer from the house of the farmer, and who by that means removed from him that moral check to which hitherto he had been subjected by the watchful eye of his master. But it was necessary to observe, that even this system of maintaining the labourers in rural districts had partaken of the truck system. While he consented to this inquiry, therefore, in its modified form; while no one could reprobate more than he did the oppressive use of the authority of the master over his workmen, and still more the conduct of those men who passed off an inferior article to the labourers whom he employed, without affording him any option of purchase at the full price, he felt it his duty, in the first place, to notify to those who had had less experience than he had, that he thought that the time when the report of this committee would be made would be a very remote one; and that he also thought that they ought not to be too confident in their expectations of being able to put an end to the practice of paying wages in any way other than with the current coin of the realm.

Sir *John Guest* stated, that he entirely concurred in the appointment of the committee, but knowing the time which must necessarily occur before the committee could report to the House, he felt it necessary to repel the charge brought by the hon. Member for Knaresborough against the whole of the iron trade of South Wales. He could most positively assert that in the iron works within the borough which he had the honour to represent, and which contained six of the largest of the iron works in the kingdom, not one farthing was stopped for goods, but the whole of the wages were regularly paid in the current coin of the realm; indeed he could say for himself, and which he would not do but for the charge brought against him, that he employed about 5,000 workmen, and paid in wages last year 250,000*l.*, every farthing of which was paid in money. But although he exculpated the proprietors of works in Glamorganshire, he was bound to say that the truck-system did prevail in a very extensive degree in his neighbourhood in Monmouthshire, and his constituents were exceedingly anxious to have a stop put to it. Nor was it at all confined to bad times but prevailed always. Much had been said as to Members on that side of the House being parties to the truck-system; but he must say that an hon. Gentleman on the Ministerial side of the House, who had been so actively employed in prompting the hon. Member for Knaresborough, knew perfectly well that an iron-work in his immediate neighbourhood was most deeply implicated in this practice of the truck-system; indeed, so far did they carry it, that they not only compelled their workmen to purchase food, but they had erected a brewery to supply the workmen with beer also. He also stated that it was not done directly, but by advancing money in their shop, which they were compelled to buy goods with, or were discharged.

Mr. Alderman *Copeland* had no hesitation in taking to himself the observations of the hon. Baronet (Sir John Guest) who had just sat down, in reference to the connection which he had with extensive iron works in Wales, or in stating the circumstances under which the shop to which the hon. Baronet had referred was carried on. The right hon. Baronet (Sir R. Peel) had well stated that there were occasionally circumstances which would justify the adoption of a system very like truck, and where the interests of the workmen themselves demanded that such a plan should be carried out, and he had instanced the case of mining operations carried on in the midst of a barren country, at a distance from any of the ordinary means of supplying the daily wants of a large body of persons. So far from the workmen of the iron works with which he was connected, being at all treated upon what was called ordinarily the truck system, he might venture to assert that each workman received his wages in the current coin of the realm, and that if he chose to deal at the shops established for his convenience he might do so, but that he might go elsewhere if he pleased; he denied that he was compelled to lay out his money in the particular way which had been asserted. The hon. Baronet (Sir John Guest) had spoken of his having prompted the hon. Member for Knaresborough in bringing this subject before the House; he had no hesitation in saying that he had been endeavouring to persuade his hon. Friend to accede to the proposition of the right hon. Baronet, but he for one would most cordially have seconded the motion of his hon. Friend, for an inquiry, had he been in his place, and that it was only to the unavoidable circumstance of his having been absent from the House, that he had not presented himself as its seconder. But although he denied the existence of what was properly called the truck system in the iron works of Rhymney, he could not but state, that in the Staffordshire Potteries, and iron districts of South Staffordshire, with which he was also connected, it did exist to a very considerable extent. He believed that in these districts it was not only carried on to a great extent as regarded the provisions of the labourers and the renting of their cottages, but that the working men were compelled to go even to the place of worship which their employers pointed out, and that the rental of their seats in chapel was deducted from their wages. This was an astounding fact; but he believed that if the inquiry took place, he should have no difficulty in proving it. The hon. Member concluded by expressing a hope that the hon. Member for Knaresborough would accede to the proposition of the right hon. Baronet the Secretary for the Home Department.

Mr. *E. Turner* protested against the supposition that the wages of the working classes of Cornwall were paid in any way except in the current coin of the realm.

Mr *C. Villiers* said, that after all that had been stated with respect to the truck system, and with respect to the admission that it did exist, and that to a considerable extent, as well as with respect to the circumstances under which it did exist, and the great difficulty of preventing its continuance—and feeling that he was in some degree answerable for this motion having been brought forward, he thought that he was called upon to say a few words to the House. He thought, that the hon. Member, for the satisfaction of his own mind and of the House, after the charges which the hon. Member had brought forward, the hon. Member was bound to move for this inquiry in the terms which he had originally proposed. The hon. Member had proposed an investigation into the question of whether these frauds did exist, and whether those persons whom he charged with them did evade the law. The hon. Member had proposed to prove the affirmative of these two propositions: that was what the hon. Member ought to be allowed to prove. He should support the motion of the hon. Member, and he could not think that the hon. Member would act wisely as regarded his own character, and the interests affected by this inquiry, if he confined the investigation to anything short of that which he had originally proposed. The hon. Member for Knaresborough had thought proper to make personal allusion to him with respect to a memorial which he had asked permission to read to the House, but which he had been unable to read in consequence of the etiquette of the House; and the hon. Gentleman had said, that he was surprised that he should have brought a memorial from Yorkshire to which forged signatures were attached. The memorial which he had produced had been prepared in consequence of the statements made by the hon. Member when a similar memorial had been presented by him on behalf of 106 manufacturers in Lancashire, that he dared not attempt to bring such a memorial from Yorkshire. He had, in answer to that taunt, produced this memorial; in which it was distinctly denied, that there was one word of truth in anything that the hon. Member had said. He knew nothing of the parties who signed this memorial at the time, and as it had been decided that it would be out of order for him to read it to the House, he had sent it to the public newspapers, in order that the hon. Gentleman might refute the allegations contained in it, if they were untrue. The hon. Member not only charged the parties who had signed this memorial with practising the truck system themselves, but he had said also that some of the signatures appended to the document were forged. This, he thought, afforded an additional reason why the committee which he sought to obtain should be granted. With reference to this allegation of the hon. Member, to which he had last alluded, he had not only letters from the persons to whom this conduct was imputed, denying the truth of what the hon. Member had said, but he had had other memorials sent to him supporting that which he had first received, but which, of course, he could not produce to the House. He thought, therefore, that it was incumbent on the hon. Member to press his motion in its terms on the attention of the House, and that he could not, in justice to himself, withdraw any portion of it.

Mr. *Hardy* objected to the motion in its present form, for there was no knowing to what extent it would go; and he thought, that under all the circumstances, it was most inexpedient to agree to such a proposition. It had been justly said, that the frauds which our manufacturers might practise abroad were of a nature that must soon remedy themselves; but there was another part of the inquiry which appeared to him most material, and that related to the frauds practised by master manufacturers on the persons whom they employed. Into that subject it was high time that they should institute an inquiry for the immediate purpose of ascertaining if there were any means by which frauds of that nature could be prevented. There was no one who took the trouble to make himself acquainted with the real condition of the manufacturers, who could for a moment doubt, that they were to be found in some places in a state of perfect oppression, and they might, to some extent, be considered in a state of slavery, which one could not suppose to be possible in such a country as England. For the purpose of putting an end to that, and for the purpose of preventing its recurrence, some enactment might probably be deemed necessary. Much had, in former discussions on this subject, been said against the truck system, but he must be allowed to say, that that system was not altogether without its advantages: in many places it proved of great use, for it protected the working man against the frauds of small shopkeepers, who gave him, whenever they could, bad articles at a high price, and frequently contrived to get the working man into his debt, and to exercise over him an unendurable tyranny by means of law expenses and their inevitable consequences. To counteract those frightful mischiefs the master manufacturers in several places had established warehouses, where in many cases they sold goods to the working people in their employment, not merely without profit, but frequently at considerable loss, and that from no other motive than to save those poor persons from the frauds of shopkeepers, or the necessity of travelling great distances to market towns. Though he was not favourable to going so far as a portion of the motion proposed to carry them, yet he thought a case had been made out for agreeing to the appointment of a select committee to inquire into the operation of the law as suggested by the right hon. Baronet. On the whole, he was opposed to the revival of those absurd regulations interfering with the freedom of trade by which the legislation of our ancestors were so disadvantageously marked. Having troubled the House with these few brief observations, he should merely say, that he intended to vote for the amendment proposed by the right hon. Baronet, the Secretary for the Home Department. If the hon. Mover went further than that, he would aim at accomplishing impossibilities —if he wished to be useful, he would content himself with the amendment proposed by the right hon. Baronet.

Dr. *Bowring* objected to the generalisations in which hon. Gentlemen on the other side so largely dealt; the effect of them was more pernicious than perhaps many Members at all supposed—nothing could be more injurious to the interests of this country than to have it supposed that our merchants were in the habit of vending bad articles, or of committing frauds upon their customers on the continent. He had had many opportunities of estimating the character of our merchants and manufactures; of comparing their character and their conduct with those of the merchants of other nations, and he did them no more than bare justice when he said that their honour and reputation stood higher than those of the merchants of any nation on the face of the earth. He thought, therefore, that it was alike unjust and unwise to indulge in any complaints against the quality of the merchandise sent abroad, and he always was of opinion that nothing could be more absurd than any attempt to imitate the pernicious interference which our ancestors were so ready to practise in all that related to commerce and manufactures. Instances could be adduced in which manufactures had actually perished from unwise but well-intended interference. Our object should be to emancipate, but not to enthral, our manufactures.

Sir *C. M. Burrell* confessed, that he did not think the assertions made by the last speaker were at all borne out by the facts; he thought, on the contrary, that the speech of the hon. Member for Manchester, and the speeches of other Members of that House, could leave no doubt on the minds of those who heard them that frauds were occasionally committed by British merchants, and upon that ground, as well as for other reasons, he did think that the hon. Mover was fully justified in the course which he had taken, and he sincerely wished that the House would afford the working classes an opportunity of being heard before a committee. The hon. Mover had done his duty by manfully and fearlessly bringing the question under the consideration of Parliament.

Mr. *Ferrand* observed, that the right hon. Baronet, the Member for Dorchester had said that his second resolution was useless—that the standing order was sufficient for all the purposes which could be required; but he would ask how were the suffering parties to be indemnified? To that it was necessary that a reply should be given. He was extremely anxious that the working classes should derive some benefit from the motion which he had made, and rather than lose the advantage of it altogether he should agree to the proposition of the right hon. Baronet. It was said that the people might make their complaints known by means of the right of petition; but let it not be forgotten that even petitioning was attended with a degree of expense which poor men could not always defray. But the main question was this, did the standing orders sufficiently protect those witnesses who might come before committees, and who were disposed to speak the truth? In his opinion, it was absolutely necessary that they should have more protection than the standing order in its present state was capable of affording to men who, the moment they returned from London after giving their evidence, were in danger of losing their employments. He, under all the circumstances, thought it best to accept the proposition of the right hon. Member for Dorchester; but the House might rest satisfied that that would not supersede the demands of the people. Those demands would go on from day to day, increasing and gaining ground, until at length Parliament would see the necessity of granting the sort of inquiry which he wanted.

Amendment agreed to, and select Committee appointed, in accordance with the motion of Sir J. Graham.

PUNISHMENT OF DEATH (IRELAND)]. Mr. Sergeant *Jackson* moved for leave to bring in a bill

> "To assimilate the law in Ireland, as to the punishment of death, to the law in England; and to abolish the punishment of death in certain cases in Ireland, and to substitute other punishment in lieu thereof."

The bill, he said, would contain some further provisions than were barely necessary for effecting the assimilation which it was its chief object to produce. In the reign of George the 2nd, an Irish act was passed, rendering it a capital offence for any person to remain in Ireland who was in the service of the French King, and any one receiving or harbouring such a person incurred capital punishment. It was proposed by the present bill to repeal that act. In many respects the bill would accord with the measure introduced by Mr. F. Kelly.

Leave given.

Bill brought in, and read a first time.

GRINDING BONDED CORN.] Mr. *Hutt* moved for a select committee, to consider the expediency of renewing any of the provisions of the act of George the 4th., commonly called the Grinding Act, and under what modifications.

Agreed to.

Civil Bill Decrees (Ireland).] Lord *Eliot* moved for leave to bring in a bill

"To amend and explain so much of the two acts of the 6th and 7th years of his late Majesty, and of the 1st year of her present Majesty, as relates to the execution of civil bill decrees for the possession of land in Ireland."

The noble Lord stated, that one of the objects of the intended measure was to enable sheriffs to appoint sufficient deputies for the execution of decrees.

Mr. *M. J. O'Connell* said, heretofore the special bailiffs were appointed at the recommendation of the plaintiffs, and that the decrees were executed at the peril of the plaintiffs. The result was anything but satisfactory, and he thought, therefore, that provision should be made for the appointment of respectable persons.

Lord *Eliot* felt assured, that under the bill, respectable persons would in future be appointed.

Leave given.

Bill brought in and read a first time.

House adjourned.

HOUSE OF COMMONS,

Wednesday, April 20, 1842.

Minutes.] Bills. *Public.*—2°. Public Houses.

Private.—2°. Witt's Estate.

Reported.—Kirkintilloch Roads (No. 1); St. Austell Market (No. 2); Liebert's Naturalization; Granton Pier (No. 2); Drogheda Harbour; Birmingham and Derby Junction Railway; Liverpool Paving and Sewerage; Bunsen's Naturalization.

3°. and passed:—Kingsclere Inclosure.

Petitions Presented. By Mr. Miles, and Mr. Wakley, from Members of the Medical Profession, against the Lunatic Asylums Bill.—By Mr. Miles, from Shepton Mallet, against the Abolition of Church Rates.—By Mr. Hardy, from Bradford, against the continuance of the New Poor-law.—From Ratepayers of the Limerick Union, for Amendment of the Poor Relief (Ireland) Act.—By Lord Worsley, from Bouon, and Cirencester, against the Corn Importation Bill.—From Tynemouth, against Alteration of the Timber Duties, and against the proposed Duties on Rice.—By Sir G. Bankes, and Mr. Heathcote, from Purbeck, and Rutlandshire, against the Importation of Foreign Cattle and Meat.—By Mr. Heathcote, and Mr. Jackson, from Hambleton, and Braunton, against any further Grant to Maynooth College.—By Mr. Murphy, from the Law Students of Ireland, for the Repeal of Acts 33 Hen. VIII. and 11 Eliz.—From Cove, that Cork may be the Mail Packet Station between Bristol and the South of Ireland.—By an hon. Member, from Braintree, and Bocking, against the Reduction of the Duty on Foreign Leather, and Boots and Shoes.—From Wareham, for the Repeal of the Duty on Attorneys Certificates.—From Shepton Mallet, Rathmore, and Riltiel, for Alteration of the present System of Education in Ireland.—From Kingston-upon-Hull, for the adoption of Vote by Ballot.—From North Shields, Brighton, Louth (Lincoln), and Derby, for the Repeal of the Union.—From Swansea, complaining of Inefficient Post-Office communication between South Wales and the Metropolis.—From T. C. Anstey, praying for Inquiry relative to Emigration.—From Sleaford, against the proposed Commercial Reforms.—From the Writers to her Majesty's Signet in Scotland, Hereford, East Durham, and Plymouth, against the Property Tax.

Ipswich Election—John Thurston.] Mr. *Pakington* reported to the House that the select committee appointed to try the matter of the petition presented by John Cobbold, and others, against an undue election for the borough of Ipswich, had resolved that the chairman be instructed to issue his warrant for the committal of J. Thurston to the custody of the Sergeant-at-Arms for having been guilty of wilfully giving false evidence in his examination before them.

Ordered that J. Thurston be committed to the custody of the Sergeant-at-Arms to await the further orders of the House.

Kingsclere Inclosure.] Sir *W. Heathcote* moved the third reading of the Kingsclere Inclosure Bill.

Mr. *Wakley* felt it necessary to address some few observations to the House in opposition to this bill, which he considered to be unjust in every respect. It would be well if measures of this nature were not allowed, as they mostly were, to pass silently through the House, but were always treated as public bills, because it certainly did happen that by passing them slightly over very important matter was often lost sight of. In his opinion the opponents of this bill would have the strongest grounds for complaint against the committee if they passed it without allowing further time for those who felt themselves aggrieved to make good their allegations. If the House of Commons agreed to the bill, after the representations that had been made on the subject, they would be guilty of the grossest unfairness and injustice to the complainants. So glaring was the case, however, that he could scarcely suppose that they would do so. It was often asked, who were the supporters of the poor? Who were the protectors of the poor? Who were the friends of the poor? Who were the assistants of the poor? And the question was bandied about from party to party. Sometimes it was said, the Whigs were not the friends of the poor: sometimes the same assertion was applied to the Tories—and the Radicals applied it to both.

Now, looking to the course that had been adopted with reference to this bill, he thought that the Radicals had a right to accuse both parties. How stood the case in this instance? There was no Radical on the committee. It was composed of nine Tories and two Whigs, one of the Whigs filling the office of chairman. A similar measure, it should not be forgotten, was introduced in 1834 and 1835, and it was most properly thrown out. This fact of itself proved that no persons ever made out a stronger case than the individuals who were opposed to this bill had made out. That case was not now weakened; and he would say, that it was scarcely possible to imagine a case more strong or more complete in all its parts than that which was put forward against the bill by those who opposed it. He sincerely wished that the late Member for Berkshire was now in the House—he meant Mr. Walter, who had effectually opposed the former bill. In 1834 that gentleman, by his exertions, had caused the measure which was at that time proposed to be rejected. How did he effect that object? He sent down a surveyor to Kingsclere to inquire into all the circumstances connected with the proposed inclosure. He sent that individual down at his own expense. The surveyor made his report—it was unfavourable to the plan of those who supported the Inclosure Bill, and the bill was thrown out. In 1835 the friends of the inclosure again brought a bill before the House and it was abandoned. Now, if this measure, thus twice defeated, were carried, what would be the consequence? Why, persons now possessing 200 cottages on the waste would be cast on the high road subjected to penury and want. Such would be the effect of this bill if it were passed into a law. And what, he would ask, were they assuming in this case? That the person calling himself lord of the manor was indeed lord of the manor, and by this measure they would give him power, through commissioners, to dispossess those poor people who justly complained that their rights were invaded. They had, it appeared, the lord of the manor, a rich party, on the one hand, and the owners of some few very humble tenements, a number of poor cottagers, on the other hand. They were assuming that the rich man, on the one side, had a good and undoubted title, and assuming, on the other, that the poor man had no title at all. Having arrived at this conclusion, they were about to give power to commissioners to dispossess those cottagers, to raze their residences to the earth, and to deprive them of that which they justly considered to be their property. If such an act were done, then he would say that the House of Commons was a disgrace to the country, and that no set of men were entitled to suffer more degradation unpitied than that Assembly, which could ordain such injustice to be perpetrated. The commissioners had not merely power, if they thought fit, to proceed under this bill—it went much further. By its enactments the commissioners were actually compelled to dispossess those poor persons. The committee, he believed, only sat for a few days, and when the opponents of the measure required them to receive a copy of the report which was made on the subject, and which was dated in February, 1834, the committee said, "We cannot receive the report unless Mr. Maughan is present to verify it." Again, those who opposed the bill called for further time; they did so yesterday, and were refused; and such was the breathless haste with which the promoters of the bill were anxious to proceed, that on the following day (this day) they called for the bill to be read a third time. He implored, he earnestly requested, the House to resist this application. If the lord of the manor, as had been asserted, really possessed a right to send away these people from their cottages, why did he not dispossess them by ordinary course of law? But he would say, that without any such right being shown on the part of the lord of the manor, they empowered the commissioners to proceed to the removal of these people at once. He knew not how to represent or to describe to the House the feeling which operated on his mind when he contemplated such a proceeding. Nothing, he conceived, could be more unjust, nothing could be more indefensible. When they were told that the opponents of the measure were not in time (the delay being caused by their necessitous circumstances), when it was known that their extreme poverty deprived them of the power of coming to that House, should not that operate on the House as a cause for extending a kind and lenient feeling towards them? They implored the Houses to postpone the report. And how was their prayer met? Out of 152 Members only 15 were found to vote against the bill, and for the postponement of the report. When a question of this kind came before them, they ought to consider themselves as if deciding judicially and on evidence. Now, he would ask of hon. Gentlemen, had they seen, had they read, had they considered the evidence? Had they fully examined the case before them? And if they had not—and such he believed was the truth,—would they, in ignorance of the situation of these poor people, dispossess them of their cottages, and cast them for shelter and sustenance on the highways and byways? The fact was, they knew little or nothing of the case—they had heard nothing of the allegations of the complainants—they had heard nothing of their evidence. In a case where *5l.* was at stake, they would say, "Let us hear both sides of the question;" but here it appeared that they were influenced solely by the decision of the committee. If such were to be the practice, why then they ought to do away with receiving reports of committees at all in that House. Let them in future give up all decisions to their committees. Let the House abrogate its functions, and let them, in future, merely affirm what their committees proposed. For the chairman of the committee (Mr. Labouchere) he felt the greatest respect. He admired the manner in which he had generally conducted the public business and his ordinary course of proceeding in that House. But, he must say, that he disapproved of his conduct in this particular case. Too much had been left in the power of the committee in this case. The interests of the complainants were left wholly to them. He, as we understood, had been intrusted with a petition, signed by a considerable number of persons, to be heard against this bill—but he was too late. The poor people had not the necessary funds to make their defence before the committee, as they ought to have done; but that, in his opinion, formed an additional claim for granting them further time, in order that they might take proper steps for the protection of their interests, and with that object in view he should move as an amendment,—

"That the minutes of evidence taken before the Kingsclere Enclosure Committee be laid on the Table of the House."

Lord *Worsley* opposed the motion. When the hon. Member who had just spoken alluded to the question who were the supporters of the poor? he would say that he did not think the person who misled the poor by inflated statements was the friend of the poor. He saw nothing unjust in this bill. Parties who had held cottages for upwards of twenty years would still retain them, but those who had encroached upon the waste within that time, would not, of course, be entitled to retain the land. Now, the bill only went to this—that the law as it existed should be carried out. Those, however, who opposed the bill acted on a different principle. They wished to interfere with the present state of the law, and to give a title where it did not before exist. In his opinion, the House ought not to interfere on the subject.

Mr. *O'Connell* said, he happened to be on the committee in 1834, and he opposed the bill because it appeared to him not to be introduced for the purpose of carrying out the existing law, but of creating a new law. Let the freeholders or the lord of the manor assert their rights under the present law, but do not give them an additional power by the means of commissioners.

Sir *W. Heathcote* had already entered at some length into the merits of this bill, and he did not, therefore, think it necessary to detain the House with many observations on this occasion. What the sense of the House was might be collected from the division of the House on the preceding evening, when there were 137 for receiving the report, and only 15 against it. After that manifestation of opinion he could see no ground upon which the House was now called on to delay its decision. The hon. Member for Finsbury, so far as he could perceive, had introduced no new matter that should induce the House to grant any further delay. The bill of 1834 was not, as some Gentlemen seemed to suppose, thrown out by the committee. It failed in the House itself, after evidence had been heard. Further examination had, however, proved that the bill was likely to be productive, not of injurious, but of beneficial effects; and therefore he should support it. If Gentlemen were of opinion that inclosure bills, generally speaking, were an evil, they would of course vote against this measure. He, however, was of a different opinion. He considered this to be a good bill; he thought that the House ought to agree to it, and with these few words, in their hands he would leave it.

Mr. *Fielden* said, that they ought, in common justice, to hear what these poor men had to say, which hitherto they had resisted. This was the third time that an attempt had been made to carry the same measure, and he hoped that it would fail now, as it had failed before. So far from this measure protecting the interests of any of those who opposed it, even those who could show possession for sixty years might be annoyed and interfered with. Fortunately, however, if the measure were carried here it must go to another House, where more mercy he hoped would be shown to the complainants than was manifested towards them by the House of Commons. If they did not, in the other House, receive more commiseration—if their claims were not more earnestly attended to, then he would say, that the aristocracy was in a fair way of being destroyed—aye, and he would add, that it ought to be destroyed, if it would not listen to the prayers of these justly-complaining people. He was quite convinced that if they had an opportunity of coming fairly forward, they would be able to prove a fair title to that which they claimed.

Mr. *Labouchere* felt it necessary, after the charges that had been brought against him by the hon. Member for Finsbury, to say a very few words. As Chairman of the committee, his only duty was to hear the evidence that was brought under his notice. He knew nothing whatever of the subject, except what he was thus put in possession of. He should be as sorry as any Gentleman in that House, if he did not consider most scrupulously, the rights and interest of the humblest individual that might happen to be connected with that or with any other measure that happened to be brought before Parliament; but still he must remain of opinion, that the interest which the community in general had in this common, and more especially the interest of the labouring population, would be more effectually served by the inclosure than otherwise. Persons possessing common rights of this kind, they not being in the vicinity of great towns, and situated in thinly inhabited parts of the country, derived more benefit, he was convinced, from the employment that was afforded by additional cultivation, than they could possibly hope to gain from the ordinary exercise of those rights when the land lay uninclosed and uncultivated. Such was his view of the general principle. He denied the statement of the hon. Member for Oldham (Mr. Fielden), that persons who could prove possession for sixty years could be interfered with. It seemed to be supposed, that individuals would be summarily turned out from their cottages on the common without any compensation whatever. The committee had authorised no such thing. There was a special clause in the bill to preserve the existing rights of persons who had held land for twenty years; but any person whose encroachment did not extend to the term of twenty years, though he would be removed, would still be allowed a certain compensation for his loss. Looking to these encroachments of a recent date, what, he asked, was the law? He must say, contrary to the opinion of the right hon. the Lord Mayor of Dublin (at least as he understood him) those persons who so encroached on the common might be immediately dispossessed under the law as it now stood. If the present measure had never been introduced, any lord of the manor would have a right to resort to that remedy. It was said, that those persons, though deeply aggrieved, had not the power to bring their grievances fairly before the committee. There was, in fact, no fair ground for the assertion. Sufficient notice, long notice, was given of the proceedings. Those who opposed the measure, and the parties who were immediately concerned with it, had the most ample opportunity for exerting themselves. When the committee met, it appeared that three Gentlemen had been engaged on the part of the opponents of the bill; but their attendance was required elsewhere. However, a most respectable gentleman attended on behalf of these parties for two days, and cross-examined the witnesses with as much ability and acuteness as any professional gentleman could possibly do. He repeated, that in the course he took, he had done nothing more than his duty; and, in his opinion, that House would not be doing justice to the promoters of this bill, if they put them to further expense, by additional and unnecessary delay.

Mr. *O'Connell* begged the right hon. Gentleman not to suppose, that he had stated the law other than it really was.

What he stated was, that the bill provided for the lord of the manor an additional remedy. He knew, that these people, if holding their cottages for less than twenty years, might be ejected in the ordinary way—and he asked, why, in addition, appoint commissioners to drive them out?

Mr. *Godson* said, there was already a sufficiently strict law on one side, and he certainly saw no necessity for a new law in addition, except it was to harass the other party. They had heard mention made of compensation, but where was it to be found? Suppose a man had expended 500*l.* on an acre of land, from which he was forcibly driven; where did this bill contain a provision for proper compensation? The bill authorised the removal of cottages which had been built on the land within twenty years; and what compensation, in that case, was to be given? Why, compensation would be given to the amount of the bricks, and mortar, and timber, which was a mere mockery after you had pulled a man's house down; but he looked in vain for any compensation to be granted for improvements made on the land. The following was the only clause which touched on that point:—

"Provided always, that it shall be lawful for the several persons who shall be in possession of such encroachment or inclosure, or in the receipt of the rent thereof, at the time of the passing of this act, to take down and remove all such buildings, fences, or other erections, as shall then be thereon, and to convert the materials thereof to their own use, provided such removal take place within a certain time, to be limited by the commissioner for that purpose, by a notice delivered to the persons respectively in possession of such encroachments, or affixed upon some conspicuous part of such encroachment or enclosure."

That could not be called compensation; for a man might be seriously injured in his business or his trade in consequence of his house being thus summarily pulled down. Such a proceeding he considered to be most unjust, and he meant to propose a clause to counteract it. He should propose a clause, at the proper time, to enable individuals to purchase land of which they had not held possession for twenty years. As the bill stood, individuals were to be turned out without allowing them the option of becoming purchasers. But, it was said, that no opposition was offered to the 51st clause—that most obnoxious clause. That was true; but the fact was, that the means for carrying on an effectual opposition were scanty. The poor people could not afford it. He denied that holders of cottages for more than twenty years were secure under this bill. By the 40th clause, they also might be interfered with, if any one disputed their legal title. He hoped, if the House were determined to pass the bill, that these people would have justice so far done them as to be allowed to purchase the land of which they had been in possession for a less period than twenty years.

Sir *V. Blake* supported the amendment, and considered it a great hardship to dispossess those poor people by a bill of this nature.

Mr. *Grimsditch,* as a Member of the committee, wished to say a few words. Several of the cottagers themselves had been examined before the committee, and expressed themselves in favour of the inclosure. It did not affect any persons but those whose encroachments came within twenty years, and they were not to go uncompensated. It was a bill which, in his opinion, would benefit a great number, and would not injure any one. Of the kind, he never knew of a more useful measure, and thought that it ought to be passed.

Mr. *Stansfield,* also as a Member of the committee, could declare that the most conscientious feeling pervaded the committee to attend strictly to the interests of all parties, and their conviction was, that all those interests would be best consulted by the inclosure.

Mr. *C. Powell* said, that justice ought not to be refused to these poor people. It was, in his view of it, a most monstrous case. Great inhumanity and great injustice were manifested towards those unfortunate people. There was one point in considering the question which hon. Gentlemen seemed to have overlooked—namely, that when these people were driven from their cottages they must be thrown for support on the poor-rates.

Mr. *Fielden* defended the opinion he had previously given as to the power which the bill contained for interfering with cottagers who had held them for more than twenty years.

Mr. *East,* as a Member of the committee, expressed his approval of the bill, which had already received the unequivocal sanction of the House.

The House divided on the question;

that the words proposed to be left out stand part of the question:—Ayes 111; Noes 30:—Majority 81.

List of the Ayes.

Adare, Visct.
Aglionby, H. A.
Ainsworth, P.
Allix, J, P.
Antrobus, E.
Arkwright, G.
Bagge, W.
Baillie, Col.
Baillie, H. J.
Bankes, G.
Baring, hon. W. B.
Baring, H. B.
Barrington, Visct.
Bentinck, Lord G.
Bernard, Visct.
Bowes, J.
Broadwood, H.
Buckley E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Busfeild, W.
Campbell, A.
Chelsea, Visct.
Christopher, R. A.
Chute, W. L. W.
Clive, E. B.
Clive, hon. R. H.
Cochrane, H.
Colvile, C. R.
Courtenay, Visct.
Cripps, W.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir C. E.
Douro, Marquess of
Drummond, H. H.
East, J. B.
Easthope, Sir J.
Eaton, R. J.
Egerton, W. T.
Ellice, E.
Estcourt, T. G. B.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J. W.
Forbes, W.
Gaskell, J. Milnes
Gore, M.
Greene, T.
Grey, rt. hn. Sir G.
Grimsditch, T.
Grimston, Visct.
Hamilton, W. J.
Hanmer, Sir J.
Hardy, J.
Hawkes, T.
Heathcote, G. J.
Hill, Lord M.
Hodgson, R.
Holmes, hon. W. A'C.
Howard, hn. C. W. G.
Howard, hon. H.
Irton, S.
Jackson, J. D.
Johnson, W. G.
Joliffe, Sir W. G. H.
Labouchere, rt. hn. H.
Law, hon. C. E.
Lindsay, H. H.
Lowther, hon. Col.
Mackenzie, W. F.
Manners, Lord C. S.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Miles, W.
Mitchell, T. A.
Mordaunt, Sir J.
Mundy, E. M.
Murray, A.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Ord, W.
Packe, C. W.
Pakington, J. S.
Palmerston, Visct.
Parker, J.
Philips, G. R.
Plumridge, Capt.
Polhill, F.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Scott, hon. F.
Shirley, E. P.
Somerset, Lord G.
Stansfield, W. R. C.
Stuart, H.
Tollemache, J.
Towneley, J.
Trotter, J.
Tufnell, H.
Vere, Sir C. B.
Winnington, Sir T. E.
Wood, C.
Wrightson, W. B.
Wyndham, Col. C.
Yorke, hon. E.

TELLERS.

Heathcote, Sir W.
Worsley, Lord

List of the Noes.

Ackers, J.
Archbold, R.
Baskerville, T. B. M.
Blake, Sir V.
Blewitt, R. J.
Bowring, Dr.
Brotherton, J.
Butler, hon. Col.
Crawford, W. S.
Duncan, G.
Duncombe, T.
Elphinstone, H.
Ewart, W.
Fielden, J.
Granger, T. C.
Hay, Sir A. L.
Mitcalfe, H.
Muntz, G. F.
Murphy, F. S.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, J.
Pechell, Capt.
Powell, C.
Power, J.
Rennie, G.
Roche, E. B.
Thorneley, T.
Wason, R.

TELLERS.

Godson, R.
Wakley, P.

On the question that the bill be now read a third time,

Mr. *Wakley* said, he should meet this question with a direct negative. What had the House of Commons, the gentry of England, the friends of the poor, done by their late decision? They had decided on dispossessing 500 persons of their habitations, without hearing the evidence on which that decision was to take place? They had absolutely decided that they would not hear that evidence before them. Could anything be more unjust than such a course of proceeding? Could hon. Members be astonished that so much violence was manifested by the people out of doors with respect to the proceedings of that House, when such acts as this were perpetrated? And, until the people were fully represented in that House, he believed that these atrocities against their rights would constantly be committed. A more unjust proceeding he had never witnessed in any assembly, be that assembly what it might. If a jury dared and presumed to decide without hearing the evidence upon which their verdict was to be given, that House would denounce them as a set of unworthy scoundrels—as men who ought not to be admitted into civilised society. This was one of the most painful proceedings he had ever witnessed. From the statements that had been made to him with reference to these poor cottagers, it was heartrending and painful in the extreme. The House were assuming that the lord of the manor had a right to eject them from their cottages, but by their decision, they had actually given him that right. If the lord of the manor had any right at all, why had he not ejected them? He was told, indeed, that by the lord of the manor's own neglect, his manorial right was forfeited, and that therefore, he had no right to eject them. But they were now creating a law to favour the rich man at the expense of the poor, and he should, therefore, meet this question with a direct negative.

The House divided, on the third reading:—Ayes 118; Noes 26:—Majority 92.

List of the Ayes.

Aglionby, H.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Bagge, W.
Baillie, Col.
Baillie, H. J.
Bankes, G.
Baring, hon. W. B.
Baring, H. B.
Barrington, Visct.
Bellew, R. M.
Bentinck, Lord G.
Bernard, Visct.
Bowes, J.
Broadwood, H.
Brodie, W. B.
Buckley, E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Busfeild, W.
Campbell, A.
Christopher, R. A.
Chute, W. L. W.
Clive, E. B.
Clive, hon. R. H.
Cochrane, A.
Colvile, C. R.
Courtenay, Visct.
Cripps, W.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir C. E.
Douro, Marquess of
Drummond, H. H.
East, J. B.
Easthope, Sir J.
Egerton, W. T.
Estcourt, T. G. B.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J. W.
Forbes, W.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gore, M.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Visct.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Hardy, J.
Hatton, Capt. V.
Hawkes, T.
Hay, Sir A. L.
Heathcote, G. J.
Hill, Lord M.
Hillsborough, Earl of
Hodgson, R.
Howard, hn. C. W. G.
Howard, hon. H.
Irton, S.
Jackson, J. D.
Jocelyn, Visct.
Johnson, W. G.
Johnstone, H.
Joliffe, Sir W. G. H.
Labouchere, rt. hn. H.
Law, hon. C. E.
Lindsay, H. H.
Lygon, hon. General
Mackenzie, W. F.
Manners, Lord C. S.
Majoribanks, S.
Martyn, C. C.
Master, T. W C.
Maunsell, T. P.
Miles, P. W. S.
Miles, W.
Mitchell, T. A.
Mordaunt, Sir J.
Mundy, E. M.
Norreys, Lord
orthland, Visct.
Ord, W.
Packe, C. W.
Pakington, J. S.
Palmerston, Visct.
Parker, J.
Philips, G. R.
Plumridge, Capt.
Polhill, F.
Ponsonby, hn. C.A.C.
Ramsay, W. R.
Round, C. G.
Rushbrooke, Col.
Scott, hon. F.
Shirley, E. P.
Smith, A.
Somerset, Lord G.
Stansfield, W. R. C.
Stuart, H.
Tollemache, J.
Townely, J.
Trotter, J.
Turner, E.
Vere, Sir C. B.
Wall, C. B.
Walsh, Sir J. B.
Winnington, Sir T. E.
Wood, C.
Wrightson, W. B.
Wyndham, Col. C.
Yorke, hon. E. T.

TELLERS.
Heathcote, Sir W.
Worsley, Lord

List of the Noes.

Ackers, J.
Archbold, R.
Baskerville, T. B. M.
Blewitt, R. J.
Bowring, Dr.
Brotherton, J.
Butler, hon. Col.
Crawford, W. S.
Duncan, G.
Elphinstone, H.
Ewart, W.
Godson, R.
Granger, T. C.
Mitcalf, H.
Muntz, G. F.
Murphy, F. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, J.
Pechell, Capt.
Powell, C.
Rennie, G.
Roche, E. B.
Thorneley, T.
Wason, R.
Yorke, H. R.

TELLERS.
Duncombe, T.
Wakley, P.[*]

Bill read a third time.

Mr. *Godson* then said, that he should move the addition of three clauses to the bill; but if the House were against the first, he should not divide upon the other two. The substance of the first clause was, that persons who had held the land for less than twenty years, but had erected cottages thereon, should be entitled to purchase such land at the price per acre of the surrounding land. The second clause had reference to certain charity lands in the parish; and the third clause was one which was introduced into the bill of 1834, but had been omitted from the present bill. It was founded on the report of the committee of that day, and the substance of it was, that those commoners who had been in possession of their land for more than twenty years should have two acres of common attached to them as of right. The noble Lord concluded by moving the following clause,—

> "Such parts of the commons as shall have been inclosed within twenty years last past, to be sold to the persons in receipt of the rents and profits, at the price the land was worth at the time of the inclosure, and lands inclosed more than twenty years to be entitled to an allotment."

Clause brought up and read a first time.

On the question that the clause be read a second time,

Mr. *Labouchere* was opposed to the addition of these clauses. He, as chairman of the committee, had asked counsel if they had any more clauses to propose, and he was answered that they had not. The proposition of the hon. and learned Gentleman was, to treat those who had not acquired a freehold right by lapse of time precisely as if they were freeholders. It would be acting on most dangerous ground to do so, and he, for one, could not consent to it.

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[*] Although the numbers are nearly similar on both divisions, the change of Members who voted is found to be so considerable when the lists are compared, that to ensure accuracy, it was thought advisable to insert the lists of both divisions entire.

☞ Mr. *Godson* said, his object was, not to treat those persons as freeholders, but to give them the power to purchase their holdings at the price they were worth at the time of the inclosure.

Sir *W. Heathcote* expressed his intention of opposing all the clauses.

Mr. *Cripps* thought, that the pulling of houses about the ears of the holders was rather a harsh proceeding, and he should therefore be inclined to support the second clause proposed by the hon. Member for Kidderminster; but the first clause attempted to establish a most outrageous principle—namely, that the man who had had the courage to build a house upon the waste, in the hope that he should not be disturbed, should be rewarded with two acres of land to the injury of the freeholder. This clause he must oppose.

Mr. *Aglionby* said, that, contrary to his usual practice of never voting on any private bill with the provisions of which he was unacquainted, he had voted on this bill under a misconception of the extraordinary powers given by it. He should support the proposed clause; for it went to mitigate, and would in some degree alleviate, the evils of the bill, especially those which would spring out of the working of the 53d clause of the bill, which enacted that insulated old enclosures should be deemed part of the lands to be enclosed.

Sir *John Walsh* said, that although he had hitherto voted with the majority, he was very much impressed with the justice of the clauses proposed by the hon. Member for Kidderminster, and should support them.

Mr. *Wakley* was almost afraid to contend for the justice of the clause, because in the ratio of its justice he thought its success was questionable. It was a question whether the person calling himself lord of the manor had any right at all there. The effect of this bill would be to give that individual a right by law which he never had before. He should support the clause.

The House divided on the question that the clause be read a second time:—Ayes 45; Noes 72:—Majority 27.

List of the Ayes.

Ackers, J.
Barrington, Visct.
Baskerville, T. B. M.
Blake, Sir V.
Blewitt, R. J.
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Bruce, Lord E.
Christie, W. D.
Cripps, W.
Douglas, Sir C. E.
Duncan, G.
Duncombe, T.
Elphinstone, H.
Esmonde, Sir T.
Fielden, J.
Forster, M.
Gaskell, J. Milnes
Granger, T. C.
Grimston, Visct.
Hawkes, T.
Hay, Sir A. L.
Henley, J. W.
Hutt, W.
Mitcalfe, H.
Muntz, G. F.
Murphy, F. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, J.
Paget, Col.
Pechell, Capt.
Powell, C.
Rennie, G.
Stansfield, W. R. C.
Thornely, T.
Turner, E.
Wakley, T.
Walsh, Sir J. B.
Wason, R.
Yorke, H. R.
Young, J.

TELLERS.

Godson, R.
Aglionby, H. A.

List of the Noes.

A'Court, Capt.
Allix, J. P.
Antrobus, E.
Bagge, W.
Baillie, Col.
Beresford, Major
Boldero, H. G.
Bradshaw, J.
Bramston, T. W.
Broadwood, H.
Buckley, E.
Buller, E.
Campbell, A.
Christopher, R. A.
Chute, W. L. W.
Clive, E. B.
Colville, C. R.
Courtenay, Visct.
Denison, E. B.
Dickinson, F. H.
Douro, Marquess of
Drummond, H. H.
East, J. B.
Easthope, Sir J.
Estcourt, T. G. B.
Fleming, J. W.
Forbes, W.
Fremantle, Sir T.
Fuller, A. E.
Greene, T.
Grimsditch, T.
Hamilton, Lord C.
Hardinge, rt.hn.Sir H.
Heathcote, G. J.
Hodgson, R.
Howard ,hn. C. W. G.
Jolliffe, Sir W. G. H.
Law, hon. C. E.
Lowther, J. H.
Mackenzie, W. F.
Mackinnon, W.
Mahon, Visct.
Manners, Lord C. S.
Manners, Lord J.
Marjoribanks, S.
Martin, C. W.
Master, T. W. C.
Maunsell, T. P.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Neeld, J.
Northland, Visct.
O'Brien, A. S.
Packe, C. W.
Palmerston, Visct.
Parker, J.
Plumptre, J. P.
Polhill, F.
Ramsay, W. R.
Rushbrooke, Col.
Shirley, E. P.
Smith, A.
Somerset, Lord G.
Towneley, J.
Trotter, J.
Tufnell, H.
Vere, Sir C. B.

Wall, C. B.	
Worsley, Lord	TELLERS.
Wrightson, W. B.	Heathcote, Sir W.
Wyndham, Col. C.	Labouchere, H.

Other clauses brought up and read a first time. They were negatived on the motion that they be read a second time.

Bill passed.

On the motion "That the Order of the Day be now read,"

BUSINESS OF THE HOUSE.] Mr. *C. Buller* rose, and complained of the practice of the Government in bringing on their measures on Wednesdays, which had not been the custom. Wednesday night was the only night on which individual Members, not connected with the Government, could calculate upon having an opportunity to proceed with the bills they had in their charge. He did not now rise for the purpose of offering any opposition to the measures on the paper, but to express his opinion that the new practice was particularly hard upon Members not connected with the Government, and that it was also injurious to the proper discharge of public business, inasmuch as hon. Members had not sufficient notice of the bills which were to be proceeded with.

Mr. *Wakley* said, that hon. and right hon. Gentlemen opposite, several times during the previous Session, had not hesitated to say that there were some proceedings of the late Government which they would not refuse to follow. He would not say whether it would be a wise and useful determination to imitate the general conduct of the late Government, but he would say that it might be convenient to the House if the present Government would follow the example of the last in two things,—first, in not going on with Government bills on Wednesday evenings, and secondly, in not only stating what business was to occupy the House, but in what order it would be taken. At present it was impossible to foretel whether the first, or the 17th, or the 20th order would be taken first or not. The first order on the list for that evening was the Licensed Lunatic Asylums Bill, which was virtually a Government bill, but one which ought not to be discussed on such a night and in such a House. Of course the regular supporters of the Government would be in attendance on Wednesdays, but of all the other Members few would attend, those few consisting chiefly of Members who came down to the House out of curiosity, or those who, not being fortunate enough to get an invitation to dinner, had nowhere else to go. The noble Lord the Member for Monmouthshire had promised that this bill should not be proceeded with without previous inquiry; but what new information had been laid before the House on the subject? None, positively none. The noble Lord wanted to renew the powers of the commissioners, on the ground of public advantage. He wished to ask the noble Lord whether he would consent to postpone the bringing up of the report to that day fortnight?

Lord *G. Somerset* could not subscribe to the opinions of the hon. and learned Member for Liskeard and of the hon. Member for Finsbury with regard to leaving the members of the Government to take their chance with other Members; but he announced that it was not his intention to bring up the report until that day fortnight.

Mr. *V. Smith* said, that he would reserve whatever observations he had to make on the bill until the report was brought up.

Order of the Day read.

House in committee on the

LICENSED LUNATIC ASYLUMS BILL.] On the first clause,

Mr. *Wakley* rose for the purpose of moving his amendment. The hon. Member stated, that if he should succeed in inducing the House to adopt his amendment, it was not his intention to offer any further opposition to the progress of the bill. He objected to the clause appointing barristers to the office of commissioners of lunatic asylums. What could be more absurd than to select members of the legal profession to sit in judgment on cases of mental derangement? Was not insanity invariably associated with bodily disease? The investigation in which the commissioners would be involved would be purely of a medical character, and therefore the barristers, if they were appointed, would be incompetent to perform the duties which would devolve upon them. Supposing barristers were appointed, what would they have to do? Their principal duty would be to ascertain whether the lunatics were subjected to proper medical treatment. That was the main object which the commissioners ought to keep in view. Was not the noble Lord aware that the selection of a competent medical man to fill such an office as that of commissioner would have a most beneficial effect on the conduct of those physicians and surgeons officially connected with establishments set apart for the reception and treatment of the insane? If medical men were appointed, important tabular statements would be drawn up relating to this class of affections, and much valuable light would be thrown on the nature and treatment of insanity. He complained of the disposition which existed in that House to fill up every appointment to which emolument was attached by a barrister, Whether it was to be attributed to the fact of all bills being drawn up by barristers or not he did not know, but the disposition was evident. That they were unfit was shown by the total failure of the Metropolitan Commission, in which they predominated; he would therefore move that the words "Barrister Commissioners" be omitted, and the words "Medical Commissioners" be inserted. He had intended to move for the appointment of only one medical commissioner, but as the noble Lord proposed that the commissioners should act separately, he felt it his duty to propose that both should belong to the medical profession.

Lord *G. Somerset* could assure the hon. Member that nothing was further from his intention than to cast any slur upon the medical profession. All that he wanted was, that the provisions of the law should be carried out, and that he thought would be better done by gentlemen of the profession of the law than by medical men. The inquiry to be made by the commissioners was not as to the medical treatment of the patient, but whether he was treated properly and with kindness; and with respect to such inquiries a barrister could make as sufficient an investigation as any medical man. Besides, he thought that the appointment of legal gentlemen would be more acceptable to the gentlemen who were attending asylums; they would not like to be interfered with by gentlemen belonging to their own profession. He proposed that the legal commissioner should have the assistance of medical men when he considered it necessary to obtain their advice. The hon. Gentleman (Mr. Wakley) had suggested that a medical commissioner should be associated with a legal commissioner; but he thought it would be difficult to obtain the services of competent medical men to act as commissioners, for they could not offer sufficient remuneration to a medical gentleman in full practice to induce him to spend half his time in the country in visiting asylums. He had brought in this bill in consequence of communications with the Lord Chancellor and the Secretary of State for the Home Department; and he believed, if it was adopted, it would afford means of obtaining a mass of information which might lead to the establishment of a better mode of supervision than now existed.

Mr. *Pakington* thought it advisable that the commissioners should be members of the medical rather than of the legal profession. Strong representations had been made to him by a medical gentleman who was the proprietor of a lunatic asylum in the borough which he represented, complaining of the inquisitorial system which would be established by this bill, and objecting to the appointment of barristers as commissioners. He hoped that his noble Friend (Lord G. Somerset) would reconsider some of the more stringent provisions of the measure. He was glad that the noble Lord proposed to give the legal commissioner the power, when he deemed such a course necessary, of obtaining the assistance of the physicians appointed by courts of quarter sessions as inspectors of lunatic asylums.

Mr. *W. Miles* thought, that the duty of inspecting lunatic asylums, which was far from an agreeable task, should be taken out of the hands of magistrates, and committed to two commissioners — the one a barrister, and the other a medical man.

Lord *G. Somerset* proposed to strike out the clause, preventing barristers from calling in the aid of medical men, in order that in particular cases they might avail themselves of the advice of the medical visitors appointed by the quarter sessions.

Mr. *Wakley* said, he had had a practical demonstration of the truth of phrenology. He knew before he had commenced his observations, that he should not convince the noble Lord. The noble Lord had opposed his propositions with the most persevering pertinacity. He would now suggest, that the profession of the commissioners should not be stated in the bill, but that the responsibility of the appointment of a medical man or a barrister should rest with the Lord Chancellor.

There would be no difficulty in getting competent medical men for this investigation any more than there would be in getting competent men of the legal profession. The hon. Member concluded by moving an amendment, to the effect that two of the commissioners to be appointed should not have their profession stated, but that their appointment should be left to the Lord Chancellor.

Mr. *H. P. Howard* thought, medical men educated as to the diseases of the human mind more fit for such an appointment than men educated in mere legal technicalities. He should oppose the proposition that it be left to the Lord Chancellor to choose whom he might appoint, as his predilections would most likely be in favour of his own profession.

Mr. *Henley* was opposed to the appointment of exclusively legal gentlemen.

Lord *G. Somerset* said, whatever might be the opinions of the hon. Member opposite as to his phrenological conformation, he should oppose the proposition to leave the responsibility of the choice of the professions of the commissioners to the Lord Chancellor. He had no objection to take the proposition of the hon. Member into consideration, but he would rather the House would at once decide the question than throw this responsibility on the Lord Chancellor.

Mr. *Wakley* meant to persist in his amendment.

Mr. *Hardy* said, he should distrust the fitness of a legal commission. He would much rather see one legal and one medical commissioner. On a visit to the Wakefield Lunatic Asylum, he had felt convinced of the sanity of a lunatic on conversation with him, who, it afterwards turned out, was the most violent of the patients.

Mr. *R. Yorke* was of opinion, that Members of the legal profession were the least qualified persons to be on the commission.

Mr. *Godson* thought, that medical men were not so fit from their prejudices. He had heard a doctor swear, that all mankind were mad. They wanted the experience and knowledge of the other profession to investigate the truth of the facts under which a lunatic was confined. He wished to see the two professions combined, in order to arrive at a just result in such an inquiry.

The Committee divided on the question that the words proposed to be left out, stand part of the question:—Ayes 19; Noes 22;—Majority 3.

List of the AYES.

Adderley, C. B.
Aglionby, H. A.
Baskerville, T. B. M.
Broadley, H.
Clerk, Sir G.
Cripps, W.
Denison, E. B.
Forbes, W.
Gladstone, rt hn. W. E.
Grimsditch, T.
Hornby, J.
Jackson, J. D.
Johnson, W. G.
Mackenzie, T.
Mahon, Visct.
Martin, C. W.
Mitchell, T. A.
Round, C. G.
Rous, hon. Capt.

TELLERS.

Godson, R.
Somerset, Lord G.

List of the NOES.

Arkwright, G.
Blake, Sir V.
Bodkin, W. H.
Bowring, Dr.
Brotherton, J.
Campbell, A.
Christie, W. D.
Colville, C. R.
Dickinson, F. H.
Evans, W.
Ferguson, Sir R. A.
Halford, H.
Harcourt, G. G.
Hardy, J.
Howard, P. H.
McGeachy, F. A.
Miles, W.
Pakington, J. S.
Plumridge, Capt.
Turner, E.
Williams, W.
Yorke, H. R.

TELLERS.

Henley, H.
Wakley, T.

Lord *G. Somerset* hereupon said, he hardly knew what course to adopt now, as he knew not whether the intention of the House was to favour the medical or the legal authority.

Mr. *Wakley* said, he had no doubt whatever as to the perfect practicability of carrying out beneficially the principle which the House, he was glad to say, had affirmed. Perhaps it would be well, for the present, to postpone the further consideration of the measure.

House resumed — further proceeding postponed for a fortnight.

COPYRIGHT.] House in committee on Copyright Bill, and

Clause 15 (relating to piracies by extracting) being proposed,

Mr. *Wakley* said, he thought this clause would prevent elegant extracts being put into school-books; he wished to know what effect this clause would have with respect to the existing law, which was at present very stringent; but stringent though it was, it was believed that the proposed clause would be much more so.

Mr. *Godson* did not see any reason for this apprehension. The clause allowed extracts for purposes of "criticism," "judgment," or "argument." Now, in all cases of injunction, the equity judge had to decide how far the extracts were injurious to the book, and if they were merely *bonâ fide* for such purposes as these, they would come within the exceptions of the clause, exceptions which would undoubtedly include selections for school-books; whereas, were the words "or school-books" specially introduced, under the cover of that language whole works would be republished.

Mr. *Aglionby* opposed the clause. It appeared to him, that the effect of passing this clause would be, that the large class of books on important subjects which, from their cheapness, were accessible to the public, would no longer be placed within their reach. It was, in his opinion, entirely inconsistent with the public interest that this clause should be agreed to.

Lord *Mahon* said, it was desired by the clause to re-enact the existing law with reference to extracts. It was quite evident, that any extracts for criticism, observation, or argument would not come within the law as it at present stood; but it was necessary to adopt some measure for the prevention of the artifices which are constantly resorted to in order to profit by extracts from popular works. His hon. and learned Friend (Mr. Godson) had stated to the House what the existing law was; they were all agreed that the proposed law should not be less forcible as a protection to copyright than the existing one, and it was only proposed to re-enact by this clause that which is already in operation in reference to the publication of extracts.

Mr. *Godson* explained, that the clause as framed was a strict definition of what would be piracy, and therefore ought to be preserved as part of the bill.

Mr. *Wakley* was of opinion, the clause would have a most injurious effect, inasmuch as it would prevent the publication of extracts from the most useful works, and which appeared in such publications as *Chambers's Journal* and the *Mirror*—works which found their way into almost every cottage.

Mr. *Godson* contended that no jury would find such extracts as appeared in the *Mirror* or *Chambers's Journal* to be injurious to the author; but, on the other hand, if more lengthy extracts were made would the House leave the author without a remedy?

Dr. *Bowring* thought the clause would be an impediment to the general diffusion of literature through works with which all were familiar, and which contributed so much to the celebrity of the authors quoted.

The committee divided on the question that the clauses as amended stand part of the bill.

The numbers were—Ayes 36; Noes 11: Majority 25.

List of the AYES.

Adderley, C. B.
Arkwright, G.
Bailey, J.
Baskerville, T. B. M.
Bodkin, W. H.
Botfield, B.
Broadley, H.
Campbell, A.
Christie, W. D.
Christopher, R. A.
Colvile, C. R.
Cripps, W.
Darby, G.
Dickinson, F. H.
Farnham, E. B.
Fielden, J.
Forbes, W.
Gladstone, right hon. W. E.
Hardy, J.
Howard, P. H.
Inglis, Sir R. H.
Jackson, J. D.
Lockhart, W.
Mc Geachy, F. A
Marsham, Visct.
Miles, W.
Morris, D.
O'Brien, A. S.
O'Brien, W. S.
Pakington, J. S.
Palmer, G.
Rous, hon. Capt.
Scott, hon. F.
Sutton, hon. H. M.
Whitmore, T. C.
Winnington, Sir T. E.

TELLERS.
Mahon, Visct.
Godson, Mr.

List of the NOES.

Blake, Sir V.
Bowring, Dr.
Brotherton, J.
Cobden, R.
Evans, W.
Ewart, W.
Muntz, G. F.
Plumridge, Capt.
Thorneley, T.
Villiers, hon. C.
Williams, W.

TELLERS.
Aglionby, H.
Wakley, T.

Clause agreed to.

On clause 24,

Mr. *Aglionby* said, that by that clause any of the judges either of the courts of equity or common law would be empowered to grant injunctions in cases of piracy. He would beg to ask whether such a proposition was not a new feature rather than a re-enactment of the law of copyright?

Mr. *Godson* believed the power of granting injunctions was at the present time possessed by all the common law judges, though certainly such power was not exercised. He thought that there were many reasons why the power should exist, but, of course, it would be for the Lord Chancellor to propose an alteration of the clause, if he pleased, when the bill came under the consideration of the House of Lords.

Mr. *Wakley* said, that the plaintiff ought to be prevented from going to the Court of Chancery at all, and be compelled at once to go to the Common Law Courts.

Mr. *Godson* said, that now if a plaintiff went into the Chancery court he would get his injunction, but he would get no damages, and the object of the present clause was to enable him to get both his injunction and his damages in the same court. But if the suggestion of the hon. Member for Finsbury were adopted, a man would be compelled to sue for damages. It would prevent him from being satisfied with the injunction.

Mr. *Darby* thought, that the gift to the Common Law Courts of so large a power for the first time ought not to be granted without mature consideration.

Lord *Mahon* for his own part, concurred in opinion with his hon. Friend (Mr. Godson), but as the new power given to the Common Law Courts was so strongly opposed by hon. Members who had given him their support throughout, he felt bound to consent to the omission of the Courts of Common Law.

Mr. *Jackson* suggested that a middle course between the two parties might be adopted by giving the power to the Common Law Courts only when the proceedings in the case had once been attached to such courts, and they had already gained jurisdiction.

Sir *R. Inglis* supported the suggestion.

Mr. *Gladstone* advised the postponement of the clause.

Viscount *Mahon* thought, after all the discussion, that it would be better to omit the clause for the present, and in bringing up the report it could again be introduced.

Clause 24 omitted.

Remaining clauses agreed to. House resumed. Bill to be reported.

THE PUBLIC-HOUSES BILL.] On the motion for the second reading of this bill,

Mr. *Ewart* thought that a clause ought to be inserted under which coffee-houses should be compelled to close at a certain hour of the night.

Mr. *Wakley* hoped that a clause so inconvenient to the working classes would not be agreed to.

Mr. *Manners Sutton* said, that as the bill at present stood, it contained many objectionable clauses; but, as he understood that these clauses were to be corrected, he did not feel it his duty now to oppose it.

Bill read a second time.

BARRISTERS, (IRELAND).] Sir *V. Blake* moved the second reading of the Barristers (Ireland) Bill. He stated that what he particularly desired to attain by it was, that the Irish law students should not be compelled, as they were at present to come to London for the purpose of qualifying themselves to be called to the Irish bar. There was, he believed, a time when such a regulation was necessary, but that time had passed. Irish lawyers were considered of equal authority with English lawyers, and the student had such means of obtaining a knowledge of his profession in Dublin, that it was unnecessary for him to come to London.

Mr. Sergeant *Jackson* who disclaimed all personal discourtesy to the hon. Baronet, felt bound to oppose the bill. The benefits derived by Irish students from their attendance in London were incalculable, and so they themselves thought, for he had received from the secretary of their body, Mr. Pigott, the son of the late Attorney-general, a letter expressing, on the part of nearly the whole body, their opposition to the bill. This question was not new. It had been canvassed by the Irish Judges, and decided by them in favour of the present system. Rather than the proposition of the hon. Baronet—by which Irish students were not compelled to come to London, he would compel English students to go to Dublin. Besides there were other clauses in the present bill most objectionable. The first was, that all gentlemen qualified to be called to the English bar should be entitled to a call at the Irish Bar. Now this, was not fair unless they allowed the Irish to practise at the English bar. It was not "justice to Ireland." On the whole, he felt it was not his duty to move that the bill be read a second time that day six months.

Motion negatived, Bill put off.

Adjourned.

HOUSE OF LORDS,

Thursday, April 21, 1842.

MINUTES.] BILLS. *Public.*—3ª· and passed:—Mutiny; Marine Mutiny.

Private.—$1^{a.}$ Ormesby Inclosure; Kingsclere Inclosure; St. Austell Market; Weston-super-Mare Improvement; Hele's Charity (Lowe's) Estate; Birmingham and Derby Junction Railway.

$2^{a.}$ Stanhope and Tyne Railway; Edinburgh and Glasgow Railway.

Reported.—Nottingham Gas; Imperial Assurance Company.

$3^{a.}$ and passed:—Wakeyhill Inclosure; Benecke's Naturalization; Fieville's Naturalization; Duke of Bedford's Estate (H.C.); Birkenhead Improvement.

PETITIONS PRESENTED. By the Duke of Buckingham, and the Earl of Yarborough, from East Sussex, Isle of Ely, Aylesbury, and Lincoln, against any Alteration of the Corn-laws.—By the Earl of Zetland, from Gateshead, and Northallerton, against the Income-tax.—From the Glasgow Conservative Operative Association in favour of the Ministerial Financial and Commercial Measure.—By Lord Mahon, Lord Faversham, and other noble Lords, from Cross, Boroughbridge, and several other places, against the Corn Importation Bill.—By a noble Lord, from the Millers of Kilkenny, against the Importation of Foreign Flour into Ireland.—By a noble Lord, from Kingston-upon-Hull, against the Criminal Jurisdiction (Quarter Sessions) Bill.—By the Marquess of Downshire, from Hillsborough, for the Encouragement of Schools in connexion with the Church Education Society (Ireland).—From Kirkcudbrightshire, against the Importation of Foreign Cattle.—From the Freethinking Christians of St. John's-square, Clerkenwell, for the substitution of Declarations in lieu of Oaths.—From the Huntingdon Literary and Scientific Institution, for Exemption from the Payment of Assessed and other Taxes and Rates.—From Stromness, against the Reduction of the Duty on the Importation of Straw Plait for Bonnets.—From the Confectioners of Whitby, against the Importation of Confectionery from the Channel Islands at a Low Rate of Duty.—From the Presbytery of Penpont, and the Arbroath Association, for the Better Observance of the Sabbath.—From Kilkenny, and Benburb, praying that Marriages solemnized by a Presbyterian or Dissenting Minister between Members of the Church of England and Presbyterians, or Dissenters, may be considered Valid.

CORN IMPORTATION BILL.] The Earl of *Ripon* moved the Order of the day for the House to go into committee on this bill.

Earl *Stanhope* would take that opportunity of saying a few words. It had been stated, that as this bill was looked upon as a money-bill the other House would not consent to any alteration in it, and that if any were made they would reject the bill on its being returned to them. Now, in his opinion, that objection ought not to deter noble Lords from doing their duty, and proposing any amendment which could tend to make the bill less objectionable than it now was. Indeed, so far from thinking the rejection of the bill by the other House, in consequence of amendments here, as a circumstance to be deprecated, he was rather disposed to look upon it as a matter to be desired, for there was plenty of time for discussing another bill, and it would be an advantage, that the Commons should have an opportunity of reconsidering the whole question, and particularly with reference to the tariff, which he looked upon as most injurious to growers of cattle in this country, and still more so in Ireland. He could not see why the importation of foreign cattle was permitted, except it was to discourage the rearing of them in Ireland. He objected to the tariff on other grounds, which he would take a future opportunity of stating. All he would now say of it was, that it completely took the country by surprise, and when it came to be discussed he would move that it be considered that day six months. If their Lordships should agree to any amendments in the bill, it would give an opportunity to the Members of the other House to redeem their pledges to their constituents, and, if possible, of regaining the confidence of the people. If, however, they should persevere in their support of a measure of this kind he had little doubt, that at the next election few, if any, of them would have a chance of being re-elected. He would wish to press this on the consideration of the Members of her Majesty's Government, who would in such a case be deprived of a large body of their present supporters.

Order of the Day read, House in committee.

On clause 12 (which gave to the Lord Mayor of London the power of appointing an inspector of corn returns for the city), and clause 13 (which declared that said inspector should not execute his office by deputy, except in certain cases.

Earl *Stanhope* said, he would move the omission of both those clauses, because he did not think it fair that the London market should be included in taking the averages. From several returns that had been laid on their Lordships' Table, it would appear that, taking the average of 1840, it was higher in London by 5*s.* 9$\frac{3}{4}$*d.* than in many of the other markets; and that from the nature and amount of carriage and other charges in London, the averages there must be always higher than in the country. The noble Earl concluded by moving the omission of clauses 12 and 13.

The Earl of *Ripon* could not concur in the omission of the London market, which would make so serious a difference as to the general averages, and disturb the equilibrium of the whole. His noble Friend was mistaken in supposing that the averages of London were always higher than in the country. There were many places in the country from which the averages were taken, in which they were much higher than those of London. If London were to be excluded, as having the averages too high, other places would be pointed out for exclusion as having them too low; and thus, as he had said, the equilibrium would be destroyed. He would not enter into the question how far it was competent to their Lordships to make amendments in the bill, but, on the principle he had mentioned, he would resist the motion.

Earl *Stanhope* did not rest his motion on the fact, that the averages in London were sometimes higher than those of country towns, but on this, that carriage and other high charges must be paid in London, which were not known in the country, and that these tended to raise the average above its fair level. With respect to the sliding-scale, he would only say, that no explanation, at least no satisfactory explanation had been given of it.

Clauses 12 and 13 were agreed to.

On clause 17 (dealers in corn to make returns to corn inspectors),

Lord *Beaumont* said, he would move the omission of the clause, as there was nothing in the clause, nor was anything said in it, to show that it would have the effect of preventing those frauds, which (as seemed to be admitted on all hands) had been committed in making the averages, and the means of repeating which would be continued by the bill as it now stood. Should their Lordships adopt his motion for the omission of the clause, it would be necessary to make a very considerable alteration in clause 25 (inspectors and supervisors to make returns which were to be sent to the controller weekly). He would propose that the returns should be made by the growers, and not by the dealers or factors. The grower's account of his sales would be likely to be correct, he could have no motive to make a false return; but could the same reliance be placed on the dealer or factor? But, supposing the factor gave a return of all his dealings, could that give an average on which implicit reliance could be made? He thought not. Factors were known to buy corn in one market and sell it in another, and thus it might pass in sale from one factor to another and another, each dealing representing a purchase of corn, though no actual delivery of the original purchase might have taken place. From these means of fraud the present plan would be free, if the averages were taken from the growers, and from them only. The Government had now adopted a sliding-scale. The only objection to that scale was, that it would lead to frauds through the mode of taking the averages. Let that be altered as he had said, and the great objection to the sliding-scale would fall to the ground.

The Earl of *Ripon* said, there might appear at first sight some reason why the growers of corn should join in making out the returns; but the proposition was liable to this fundamental objection—that it would be necessary, if the growers of corn joined in the returns, to compel them to make the returns, and not to leave the matter to their discretion. A penalty must, therefore, be imposed to compel the farmers to make the returns, and he thought the farmers would feel little obliged to the Legislature if such a provision were enacted. He objected to the motion of the noble Lord.

The Duke of *Buckingham* thought the farmers would not object to the imposition of a penalty, in order that all improper practices with respect to the returns might be prevented.

The Earl of *Winchilsea* was of opinion, that the imposition of a penalty would give rise to great abuses, and be objectionable to the great body of the growers of corn.

The Duke of *Cleveland* believed, that the farmers would feel no objections to the imposition of a penalty to render it incumbent on them to make returns, so soon as they were aware that this provision was intended for their own good.

Earl *Stanhope* supported the amendment.

Lord *Beaumont* believed, that the farmers desired this provision.

The Earl of *Ripon* had conversed with farmers, who stated to him that such a provision would be most inconvenient.

The Earl of *Malmesbury* said, that he knew that many farmers in Hampshire had suggested the very proposition, that the noble Lord (Lord Beaumont) had submitted to their Lordships.

The Committee divided on the question, that the clause stand part of the Bill. Contents 80; Not-Contents 12;—Majority 68.

Lord *Beaumont* said, that in consequence of this division, he should abstain from moving the amendment on the 25th clause of which he had before spoken.

Remaining clauses agreed to.

On the Table of duties, in the schedules relating to wheat,

Earl *Stanhope* moved as an amendment, that,

> "Whenever the average price of wheat, made up and published in the manner required by law, shall be, for every quarter, 72*s*. and under 73*s*., the duty shall be for every quarter 1*d*., but that no corn shall be imported under that price."

The Earl of *Ripon* said, that their Lordships had agreed to the second reading of the bill, but if they decided to adopt this alteration, it was plain that the bill could not pass, and to discuss the question, would be only repeating the former discussion. He, therefore, earnestly hoped that they would not concur in the amendment.

Amendment negatived.

Earl *Stanhope* then objected to the duties on barley and oats, and moved that the former scales in respect to barley and oats be restored. The noble Earl referred to the definition given by Dr. Johnson of "oats," that they were the food of horses in England, and men in Scotland.

The Earl of *Wicklow* said, the amendment should have his support, but that, if it were adopted, it would be fatal to the bill.

The Earl of *Hardwicke* thought the protection given to barley was in fair proportion to that given to wheat. Under the new scale, barley at 30*s*. paid 8*s*.; and on the old scale, 15*s*. Now, if barley was on the continent 19*s*. 6*d*., which was the price when there was any demand for it, otherwise it fell, it followed that, adding duty, 8*s*., to the foreign price, 19*s*. 6*d*., and charges, 4*s*., the price of foreign barley here would be 31*s*. 6*d*., being a loss to the importer of 1*s*. 6*d*. So, when the average price here was 31*s*., the duty being 7*s*. + 19*s*. 6*d*. + 4*s*. = 30*s*. 6*d*.; loss to the importer 6*d*. At 32*s*. there would be a gain of 2*s*. 6*d*., so that there was protection up to 31*s*. by the new bill. What was the protection under the old law? At 31*s*. the loss to the importer would be 7*s*. 10*d*.; at 32*s*., 4*s*. 8*d*.; at 33*s*., 2*s*. 10*d*.; at 34*s*., 4*d*.; and at 35*s*. there would be a gain of 2*s*. 2*d*. Considering that the consumption of barley in England was 17,000,000 quarters a year, and that the foreign import was only 852,566 quarters, there could be no necessity for a higher protection.

The Marquess of *Clanricarde* maintained that the proposed scale would diminish the proportionate amount of the protective duties on barley and oats as compared to wheat. There was a diminution on the amount of protection to the former species of grain of 2*s*. as compared with wheat; and why was this difference made? He should support the motion of his noble Friend, as he felt that no reason had been given for the decreased protection to oats. This decrease, as regarded Ireland, would prove a positive and actual evil, and he should be delighted to find that, in connection with this question, when the spirit duty as regarded Ireland should come before their Lordships for discussion, that her Majesty's Government would have made up their minds for a withdrawal of their proposition; because, if they increased the duty on spirits, and conjunctively with that measure, reduced the duty on and the price of oats, the result would be that of holding out a great temptation to illicit distillation, which he feared that all the strong temperance feelings now happily prevalent in Ireland would not be able to check. He feared, that the only reason for the comparatively great diminution of duty on oats was, that the pressure experienced by Government from oat growers was not so strong as that put in force against them by the growers of wheat. If the former had the power and the influence of the latter, perhaps oats would have received as great a degree of protection as wheat. He saw no reason for the proposed greater diminution of duty on oats in comparison with that on wheat; but he had heard a reason stated—he had heard a reason which passed current in society—he did not know whether it was true or not—he did not absolutely believe it; but he did not absolutely disbelieve it; but he stated it now as the only reason he had heard for the extent of the proposed change in the duty on oats. It was this: that when the tables before the House relative to the admission duties on grain were originally calculated, there existed an intention that the maximum duty on wheat should be 16*s*. instead of 20*s*. Then, however, came considerations of consequences—considerations as to how the proposed duties were likely to be received by the agriculturists. Divisions and differences followed, until at length it was agreed to raise the maximum duty to 20*s*. It was, however, as regarded barley and oats, forgotten that the scale for wheat was to be constructed on this new principle; and accordingly the same rate was levied on these species of grain as that which had been originally intended to apply to all. He would not say, that he believed these reports; but really he had heard that no better reason had been given, and as regarded Ireland, he believed, that the lowering of duty on oats, as proposed, would prove a very great evil. All who knew the nature of Irish agriculture, knew that the best crop which would be taken out of newly-drained land, was the second or third crop of oats, and the proposed measure would tend to induce the abandonment of the culture of oats for that of other grain. If a change was to be made at all in the scale, it ought, as regarded Ireland, to have been rather in favour of oats, and not of wheat; and he repeated, that he had heard no sufficient reason for the proposed change.

The Earl of *Ripon* was quite ready to admit the ingenuity of the reason just stated, as to the origin of the mode in which oats had been treated in the measure before the House, and which had been given as the one generally believed. [The Marquess of *Clanricarde:* Reported, not believed.] Believed or reported, it did not much signify: it was a mere fiction. The report alluded to might do very well to talk of in clubs, but as he could assure the House that it had no foundation whatever, he trusted, that the mind of his noble Friend opposite would be relieved from the suspicions which seemed to have pressed upon it. He would, however, take the opportunity of saying a few words as regarded the proposed scale of duties on oats. He thought there were no grounds for stating that due attention had not been paid to the interests of the grower. It was proposed to reduce the duties on all grain in the same proportion as they bore to each other under the existing laws. He did not mean that the proportion was identical to a fraction, because it was impossible to make it precisely correct down to very small amounts; but, generally speaking, the reduction had taken place in the same proportion. But the real question was—is the proposed duty a sufficient protection, or is it not? He contended that it was. The average price, according to the returns on the Table of the House of oats on the Continent, was 14*s.* 1¼*d.* If to that amount the charges for freight and other expenses were added, these would bring the amount to 17*s.* 6*d.*, or thereabouts. Now, at present the price of oats in this country was between 19*s.* and 20*s.* The duty proposed for that price was 7*s.* So, if they added to the 17*s.* 6*d.*, as the price of foreign corn imported into this country, 7*s.* for duty, it was obvious that the continental grower would be undersold in the English market. Again, the average price of oats for the last thirteen years was 22*s.* 10*d.* During that period a certain quantity of foreign grain was imported. The duty under the proposed bill, supposing the average price to be 22*s.* 10*d.*, would amount to 6*s.* If, therefore, the nett price of oats brought into this country was 17*s.*, and the duty of 6*s.* were to be added, the amount would be 23*s.* being 2*d.* more than the average price of the whole last thirteen years. Under these circumstances, then, he argued that the protection would be sufficient for the purpose of protecting the grower. This protection of 6*s.* when the prices amounted to 22*s.*, was, he might add, the very same protection proposed in Mr. Canning's bill of 1827.

The committee divided on the question that the rates of duty proposed in the bill, stand.—Contents 50; Not-Contents 7: Majority 43.

Schedule agreed to.

The Earl of *Mountcashel* proposed the addition to the schedule naming the towns whence the averages are to be collected of a certain number of towns in Ireland.

The Earl of *Ripon* observed that the proposal was one, which, by lowering the averages, must affect the duty. There were some towns mentioned in the amendments that he believed had never been heard of by their Lordships before.

Earl *Stanhope* supported the motion, and proposed as a preliminary amendment, that the following towns be excluded from the schedule, viz., Liverpool, Manchester, Birmingham, Bristol, London, York, Leeds, Sheffield, and Hull.

The Earl of *Wicklow* opposed the amendment. It would lower the averagse.

The amendment of Earl Stanhope was withdrawn, and the committee divided on the question that the names of the towns proposed by the Earl of Mountcashel be inserted:—Contents 3; Not-Contents 29: Majority 26.

House resumed.

Bill reported, without amendment. To be read a third time the following day.

House adjourned.

HOUSE OF COMMONS,

Thursday, April 21, 1842.

MINUTES.] NEW MEMBER.—Lord Newport, for Salop (South Division).

BILLS. *Public.*—1°. Soap Duties Drawback.

Reported.—Timber Ships; Copyright.

Private.—1°. Benecke's Naturalization; Fierville's Naturalization; Lagan Navigation.

Reported.—Castlerigg and Derwentwater Inclosure; Ardrossan Harbour; St. Phillip's (Bristol) Bridge; Gosport Pier; Saundersfoot Harbour.

3°. and passed:—Ormesby Inclosure; Birmingham and Derby Junction Railway; Bunsen's Naturalization; Liebert's Naturalization; St. Austell Market (No. 2).

PETITIONS PRESENTED. By Mr. G. Duncan, and Mr. O. Duncombe, from Scarborough, and Shields, against the Duty on Marine Insurances.—By Sir R. Inglis, from Shepton Mallet, for Church Extension.—By Mr. Ward, Mr. Poulett Scrope, Lord James Stuart, Mr. Byng, Mr. R. Scott, and Mr. Ewart, from Ware, Bishops Stortford, Royston, Stroud, Ayrshire, Hammersmith, Annan, Walsall, and other places, against the Income-tax.—By Lord C. Manners, Mr. Cummin Bruce, Mr. George Banks, and Mr. Bowes, from Waltham, Oxfordshire, Maidstone, Billingham, and many other places, against the Importation of Foreign Cattle.—By Mr. F. Villiers, from Sheffield, Tarporley, and Truro, against the Reduction of the Duties on Foreign Leather.—From Attorneys at Otley, and Doncaster, for the Repeal of the Duty on their Certificates.—From Birmingham, against the Boroughs' Improvement (No. 2) Bill, and Buildings' Regulation (No. 2) Bill.—By an hon. Member, from Chester, Wistow, Sapcote, and other places, against any further Grant to Maynooth College.—By an hon. Member, from Lisburn, for the Marriages (Ireland) Bill.—By Mr. S. Crawford, from London, Kendal, Gateshead, and other places, for the Extension of the Suffrage.—From Oxfordshire, Buckinghamshire, and Berkshire, against any Reduction of the Timber Duties.—From the Bath Auxiliary Anti-Slavery Society, against the Exportation of Hill Coolies.—From Sittingbourne Union, for Rating the Owners in lieu of the Occupiers of Small Tenements.—From Donagh, Lisburn, and Derryaghy, against the present system of Education (Ireland).—From the Stockton and Darlington Railway Company, for Alteration of the mode of charging the Duty on Railways.—From Chester, for further Extension of the Public House Act.

IPSWICH ELECTION. MR. LUCAS.] Mr. *Wason* moved the Order of the Day for the consideration of the petition which he had presented on the previous night from Obadiah Barwick, who had been committed to Newgate for prevarication in giving evidence before the Ipswich Election Committee. The hon. Member stated, that for a considerable period, the petitioner, who was an innkeeper in Ipswich, had been in a very distressed state of mind from various circumstances, and latterly from the dangerous illness of his wife. It was entirely owing to that cause that he had appeared to prevaricate in his evidence; and he now prayed to be again examined before the committee, and that if his examination were satisfactory he might be discharged from custody. All that he now wished the House to do with regard to this petition was to refer it to the committee, so that this unfortunate man might be again examined, and be released if he deserved it.

Mr. *Pakington* said, that being Chairman of the Ipswich Election Committee, it devolved upon him to state to the House what were the circumstances connected with the committal of the petitioner; but, before he did so, he trusted he might be allowed to allude to a circumstance which he should not have noticed had he not been called upon by other causes to address the House. What he alluded to was a letter signed by the hon. Member for Ipswich, which appeared in the *Morning Chronicle* of that day, and he merely referred to it for the purpose of stating his surprise that the hon. Gentleman, having spoken to him in the Library of the House, and induced him to carry on a brief conversation, should have published it in a morning paper without giving him the slightest notice of his intention to do so. He had only further to add, that as the letter purported to give the substance of that conversation, he denied the accuracy of that report. With regard to the petition of Mr. Lucas, the prayer of it was two fold:—first, he prayed to be heard again before the committee; and, secondly, that he might be discharged from custody, alleging as a reason the bad health of his wife, and other circumstances to which it was not necessary to allude. Now, he had consulted the committee upon the subject, and their unanimous opinion was, that they could not think, under the circumstances, of again examining the petitioner; and that, looking to the nature of the whole case, no value could be attached by either side to any evidence he might give. As to any general claims which the petitioner might have to be discharged, the majority of the committee who decided on his commitment said, that their opinion of him remained entirely unchanged. They had been placed in most difficult circumstances. The petitioners sought to prove their case by evidence in a very large degree consisting of partisans of the opposite interest. The consequence was, that they had had very reluctant testimony, and as to many of the witnesses who were examined, he was sorry to say that they had had such prevarication, such unwillingness to give evidence, and apparent perjury, that they most carefully cautioned them how they gave their evidence, and told them that if such evidence were persevered in, the committee would be obliged to resort to the exercise of the powers that were vested in them. Now, the petitioner had been guilty of prevarication, he was afraid he must say of perjury; and the committee considered that the case was worse from his comparatively increased respectability, and from his not being one of those unhappy men who were brought before the committee to give evidence as to their own corruption. They considered that when such a person as Mr. Lucas, a respectable innkeeper, not himself at all charged with having been corrupted, but distinctly charged with being cognizant of and aiding in the corruption of others, was found guilty of direct self-contradictions in certainly three, and he believed four instances, confirmed by the testimony of other witnesses, and when, as far as they could judge from the motives of other human beings, they could attribute it to nothing but intentional and wilful falsehood, they were bound to adopt the course they had taken. The opinion of the committee as to the nature of that evidence remained what it was, and they could not recommend to the House any merciful consideration of this case. But the petitioner had prayed for his discharge on different grounds—namely, the dangerous illness of his wife, and his mind having been greatly distressed by other causes. With respect to that point he was desired by the committee to state that they did not think it became them to interfere with what seemed to belong to the judgment and discretion of that House, and they left it therefore to the House exclusively to decide whether the circumstances were such as to give a just claim to their humanity. With respect to the jurisdiction of controverted elections now possessed by the House, he should be slow to recommend the House to part with it. Some hon. Members had already stated their opinion, that the present law had proved a failure; but, in his humble opinion, that judgment was premature; and as this was the first general election under the new law, no one could say, that the law had failed or succeeded until the present Session was over. Committees that were appointed to try election petitions were called upon to look with peculiar jealousy at the evidence adduced before them; there was great temptation to prevarication and falsehood, and the House of Commons were bound to exercise those powers which the law gave them for the punishment of such cases; and it was upon that principle the committee had acted in the present case.

Mr. *Wason* said, that after the decided opinion the hon. Gentleman had expressed as being that of the committee, it was not his wish nor did he think it would be proper, to press this motion upon the attention of the House. The committee must, under all the circumstances, be the best judges whether this man ought to be examined before them again, and he, therefore, thought he should best consult the feelings of the House if he merely moved that the petition lie on the Table.

Original motion withdrawn. Mr. Lucas's and two other petitions on the same subject to be printed

NEW ZEALAND.] Lord *Stanley* was accidentally absent on the previous night when the Order of the Day was read for going into committee on this bill, and he should now propose to postpone it until Thursday next, if it could be then brought on. As there could be but one object in passing this bill, he should be personally obliged to any hon. Members who might have any objections to it in its present shape to state them to him out of the House, so that all difficulty in the way of its passing might be prevented.

Mr. *Mangles*, seeing the noble Lord the Secretary for the Colonies in his place, begged to ask him whether he had used the language attributed to him in the *Morning Herald* of yesterday? It was as follows:—

> "With respect to the colony of New Zealand, he could not speak with the same confidence in point of information, because he had not the same means of judging with respect to the demand for labour in that colony; but 10,000 or 12,000 persons had emigrated thither, and as there were some funds still applicable to other purposes in the hands of the Government, New Zealand, of all the Australian colonies, offered for the moment the most favourable prospects to emigrants. He did not speak of the permanent prospects, nor did he speak of the New Zealand Company's settlements, or offer any opinion as to the stability of that colony, for he had reason to believe in this place that the emigration had already overtaken the wants of the colonists, as far as human labour was concerned, for the rate of wages there was very low, and many of the unemployed labouring classes were supported by the contributions of private benevolence?"

Lord *Stanley* had no hesitation in saying, that what had fallen from him had been misunderstood; the paragraph which had been read by the hon. Member was entirely wrong, and misrepresented what he had said. What he said was, that with respect to New Zealand he could not speak with the same confidence; but that in the Government settlement of Auckland there was a considerable demand for labour. He had also stated, that there was still the sum of 1,200*l.* in the hands of Government, applicable to the encouragement of emigration to that colony. With respect to New Zealand, he said, the company were better able to judge of the proportion which capital ought to bear to labour; but he did say, that he believed that at Port Nicholson, to a certain extent, wages had fallen and a number of persons were employed on the public works.

REFORM IN THE REPRESENTATION.] Mr. *S. Crawford* said, Sir, I rise to bring before the House the resolution of which I have given notice. I acknowledge the disproportion of the powers of the advocate to the importance of the cause; but, although such may be the case, I feel that I am entitled to claim the attention of the House from respect to the demands of a great body of the people whose cause I have been on this occasion called upon to advocate. I trust, then, that even those Members who may not be disposed to agree to my proposition will at least give me a patient and uninterrupted hearing; and that if the motion should be rejected by a majority of this House, which I trust may not be the case, the people will not have the additional ground of mortification and complaint, that their prayers have been treated with disrespect. My motion is, in the first place, to call the attention of the House to various petitions which have been presented, praying for the reforms specified in the resolution; but I am not enabled to quote many of these petitions, because they do not appear in any shape in the printed reports, or in the supplements to those reports; and for this reason, that the prayer with reference to these reforms was in many cases inserted at the end of Anti-Corn-law petitions, and are consequently classed in your reports under that head, and therefore no notice is taken of that portion of them. From this cause these reports afford no true indication of the amount of petitions or the number of petitioners for the reform of the representation. I shall quote an example. In the appendix to the 5th report, No. 123, we find a petition presented by the hon. Member for Bradford, agreed to at a public meeting in the open air, and attended by at least 10,000 persons, and signed by one of the chief constables of Bradford, as chairman, on behalf of the meeting. This petition prays first for a repeal of the Corn-laws, but secondly, prays for the various reforms stated in my resolution. Now, this petition appears in your report as simply a petition against the Corn-laws with one signature, and no notice taken of the latter prayer, the record of which would not exist if it had not happened, that this is one of the petitions selected for publication in the appendix. There are a variety of petitions containing the same prayer, of which no record exists in any form. But the petition to which I desire more particularly to draw your attention is that which I presented last week, signed by Mr. J. Sturge, as chairman of a meeting of delegates of the middle and working classes held at Birmingham on the 4th of April and the succeeding days. At this conference there were in attendance eighty-seven delegates appointed from fifty-one towns of Great Britain. Those delegates were a fair representation of these two classes, and they unanimously concurred in petitioning Parliament for the points of reform stated in the resolution, and I have the honour to appear before you this day as the messenger of their prayer. Before I proceed to the specific points of the petition, I wish first to show that the Reform Act has totally failed in remedying the abuses of the representative system. It will be said, that the people got what they then demanded, and are never to be satisfied. Truly, they did get what was then demanded; but new modes have been since found of perpetuating the abuses in other forms which that act was intended to have remedied. The objects proposed to be accomplished, as stated in the speech of the noble Lord, now the Member for London, in March, 1830, were, first, to abolish nomination by individuals; second, election by close corporations; third, the expense of elections. Yet these evils have still to a great extent a practical existence. On a careful review of the list of the House of Commons, I have found that there are not less than seventy-five boroughs returning 107 Members, in which the influence of a patron is irresistibly paramount. The county Members of England and Wales, 159, and of Scotland, 35, are, with hardly any exceptions, returned by the influence of the landed aristocracy; and about one-half of the Irish county representatives, amounting to thirty-two Members, are returned by a like influence; and to this may be added at least fifty Members elected by means of bribery and other undue influences. The list would stand thus:—

Members elected by the influence of patrons in boroughs	107
County Members of England, Wales, and Scotland, elected by the influence of the aristocracy	194
Half of the Irish county Members . .	32
	333

I shall not attempt to compute how many are returned by bribery and other undue influences, but it may be truly affirmed, that considerably more than half the Members of the House of Commons have been returned by other means than the free votes of the people. I ask, does not this require a remedy? But if further corroboration of this statement be required, it will be found in the fact, that there are in this Parliament 144 brothers and sons of Peers, and ninety-seven Baronets and Knights and their sons. Thus, whilst nomination by individuals, and by absolutely close corporations has been abolished in name, nevertheless the practice is retained by indirect means, and Members are still elected by the influence of individuals and oligarchical combination through the means of undue and corrupt influence. And with regard to the expenses of election, which the arrangements of the Reform Bill were intended to reduce—have these expenses been really reduced? No; the very reverse has been the case. They have been increased with a view of perpetuating the evil practices which I have described. Bribery has increased to an enormous extent, polluting the sources of free election —we have late instances of this in Sudbury, Bridport, Cambridge, and St. Alban's. Thus it is manifest, that if the nation be dissatisfied with the working of the Reform Act, the complaint has not been made without just cause. But what were the practical results which were to be expected from a reformed Parliament, and a reforming Ministry? Peace, retrenchment, and further reforms were promised. Can any lover of peace say, that the two wars we are now engaged in, are wars such as are justifiable in their objects or their origin—are wars such as a Parliament really representing the people could have countenanced? Can any true lover of liberty say, that they are just and necessary wars? Can any true lover of liberty say, that the measures adopted towards Canada, which excited that colony to rebellion, and now requires so large a force to keep her in subjection, were in accordance with the principles of freedom, or were justifiable acts of a Parliament professing to represent the people of England? Can any one believe, that if the voice of the people had been truly declared through the medium of their representatives any one of those wars could have occurred? Has not a lavish expenditure of the people's money been practised in such wars as these and various other ways? and have not all the further reforms been denied, the hopes of which were held out at the time the Reform Act was passed? The finality of that measure has been declared by those whom the people had before looked to as the champions of their rights. The people complained, that they were deprived of the power of giving a free vote by undue influences. The Ballot was asked for and refused. Various other motions were made, which were also rejected, among which were those for repealing the rate-paying clauses of the Reform Act, and extending the 10*l.* household franchise to counties, both refused; not any attempt made to improve the system of registration, or to shorten the duration of Parliaments; and with regard to Ireland, the just and reasonable proposition of Mr. O'Connell for equalisation of franchises was refused. Has class legislation ceased? Have not the taxes on the people's necessaries of life been retained, which by impeding trade reduced both the sources and wages of employment, for the interests of a class! whilst at the same time the sources of relief by the Poor-laws have been curtailed, and the people punished for not doing that which it became impossible for them to do —namely, to support themselves and families by the labour of their hands? A tax is retained for the benefit of the favoured class, whilst for the benefit of the same class relief to the unemployed is placed on such conditions as to be intolerable to the honest industrious worker to accept, and in this way to reduce the amount of the landlord's taxation. I need offer no other instances of class legislation. The people expected power from the Reform Bill, they expected practical good from that act, but they now find they have been grossly deceived. Those who framed the Reform

Act seem to have intended to keep the power in the hands of the aristocracy and the middle classes. The middle classes now find also that they have been deceived, and that the aristocracy can overpower them. Then, Sir, this is the cause of the union of the two classes, of which the petition I have referred to is an unerring demonstration. The right hon. Baronet at the head of her Majesty's Government is himself curbed by the power of the aristocracy. I do him the justice to believe that he would have been disposed to give the people a greater measure of relief than what he has done by his Corn-bill; but he has gone as far as he thought practicable in a House of Commons wherein the power rests in the landed aristocracy. To this unfair monopoly of power in the hands of one class the working population ascribe all the evils of which they complain, and as a remedy they demand the extensive reforms specified in their petitions. It will be for the House to determine whether these claims are founded in justice or not, and to what extent they should be granted. The first and most important of the propositions to which I refer, is that which relates to the extension of the suffrage. The petition of the delegates states the broad principle,

> "That every member of society has an equal right with every other Member to have a voice in making the laws which he is called on to obey."

This is the great basis of political liberty, and every man who has not the enjoyment of this right is not a freeman, but a slave. As a consequence of this great principle it results, that no man should be taxed without his own consent or that of his representatives. These great principles have been proclaimed and affirmed by various ancient statutes. Permit me here to quote from a speech of the noble Lord now Member for London, delivered on the 1st of March, 1831. The noble Lord argues in support of making the House of Commons a real representation of the people. He argues thus:—

> "Looking at the question then, as a question of right, the ancient statutes of Edward 1st contain the germ and vital principle of our political constitution. The 25th of Edward 1st, c. 6, declares, in the name of the King, that for no business from henceforth we should take such manner of aids, tasks, nor prizes, but by the common assent of the realm, and for the common profit thereof, saving the ancient aids and prizes due and accustomed. The 34th of Edward 1st provides, no talliage or aid shall be taken or levied by us or our heirs in our realm, without the good will and consent of Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and all the freemen of the land. The validity of this statute is asserted in the petition of rights, was allowed by the judges in the case of Hampden, and is in fact the foundation of the constitution, as it has existed since the days of the Stuarts."

The noble Lord then proceeded to say in conclusion of his argument—

> "No man of common sense pretends that this assembly now represents the commonalty or people of England."

This is the same assertion which I make with reference to the House of Commons as at present constituted, and which I trust I have proved by the details I have already given. The statutes I have referred to relate more particularly to the taxing power, but it is evident that if freemen cannot be taxed without their consent, they cannot be subjected to laws which may deprive them of life and liberty without a like consent; therefore any portion of the community who have not a voice in making the laws by which they are to be governed are placed in the class of slaves and not of freemen. On this principle it is contended by the petitioners, that the franchise should be extended to the adult male population of the realm—

> "Subject only to such limitations and restrictions as naturally arise out of the right itself, as are necessary to its practical exercise, and as are equally applicable to all classes of the community."

What these limitations and restrictions should be it would be for the House to consider, provided the principle were admitted. I shall not now do more than refer generally to the most important. As protection and allegiance are reciprocal, persons under conviction for crime (by a jury) should be excluded; and, for some crimes, a forfeiture of the franchise for life would be a justifiable penalty. Minors, or any description of persons under the legal control of others, should be excluded until they are free to act for themselves. Persons of unsound mind come under this class. Vagrants and confirmed paupers ought to be excluded. I cannot say that, under the existing circumstances of the country, the incidental acceptance of parochial relief should be a disqualification; but the most vitally important limitation would be that which would restrict the exercise of the franchise to those who may be fairly considered settled residents of the respective voting districts. This must be effected by a proper system of registration, by which the claimant to vote would be obliged to show that he had resided in the district for a certain time previous to registration, specifying the place of his residence, with his occupation, trade, or calling. This is essentially necessary, to prevent the votes of the real residents of a district from being swamped by vagrants. The limitations I have alluded to are all required for the protection of the right itself. I shall not enter into further details; but I should agree to whatever registration regulations might appear necessary for placing the elective franchise really and truly in the hands conjointly of the property and industry of the country. The chief difference which would exist between what I propose and that which is called household suffrage is this—that I would admit persons in town renting lodgings or parts of houses, provided they were otherwise qualified. If such persons be excluded, some of the best qualified persons in different ranks would be excluded without any reasonable cause for such exclusion. I am aware, also, and ready to admit, that in order to carry out the principle, a difference may be necessary in the registration details of Ireland from those of England. It is a fact, that there are parts of Ireland wherein a pauper will put up a sod house, covered with potato stalks or rushes, will live in that house with his family part of the year, and beg during the other part; the registration regulations should be such as to exclude persons of that description. It is necessary that I now proceed to notice those objections which are commonly made to the generalising of the suffrage. I think I can show, that all the objections made to the general suffrage apply with reference to the limited suffrage now in existence. First, want of Education: I ask, are the majority of those who now hold the suffrage educated persons? Are the county voters, who now hold the franchise, men of education, and political information, equal in that respect to the numerous persons of different classes, including the operatives and mechanics who live in lodgings in towns, and in houses not valued at 10*l.*? They are confessedly not. If, therefore, you desire to act upon the principle of an educational or knowledge qualification, you must strike off the greatest portion of the present constituencies. But what is the knowledge necessary for a voter? Is no man to vote for a Member of Parliament but he who understands all the questions which are to be discussed in Parliament? Such a principle cannot be asserted. The knowledge required for a voter is to be able to judge whether the candidate offered to him is an honest man or the reverse; and his best guide for this is a knowledge of the man's conduct in life, and this it does not require a high order of education to attain. I believe it will be generally found, that the man who has established a character for probity and benevolence would carry with him a majority of the votes of the people if freely given, in opposition to any candidate who had not established that character. If you affirm that education and information are necessary, be consistent with your own principle and apply it equally to all classes, do not exclude the educated man because he is not the occupant of a 10*l.* house. The second objection I shall refer to is, that the poor man is open to corrupt influences. I do not deny the liability to this evil; but what class, from the highest to the lowest, is exempt from it? What class of the present constituency is exempt from it? Not a single one. It is rampant among both the highest and the lowest. In the former it appears in its most disgusting form; from the highest class it has its source and power. They are the deliberate authors of it; there could be no corruption except it emanated from the monied classes. Let it not be said, then, that the limitation of the franchise is a shield against corruption; it is no such thing; the best protection would be the extension of the suffrage, with the Ballot and short Parliaments, which would tend to render it impracticable by the extent of the expenditure and uncertainty in its results. A third objection is, that the placing power in the working man's hands would endanger property. I ask those who say so to show me that the working men of England have any disposition to violate the laws of property. Is there a country where every description of property is safer? Are not there various ways in which property could be violated or injured, if the disposition existed? It is a libel on the people to say so. I do not ask to place the franchise in the hands of any but the industrious members of the community, and are not industry and property intimately allied? What is the object of industry but to acquire property? and is it not, then, the interest of the working class to protect that which he is seeking to obtain? And is not the working man as deeply interested—I might say more deeply—in the prosperity of the country, as the man who has his land or his money to depend upon? The employment and the wages of the worker essentially depend on that prosperity. You never will find a combination among the working classes against property, unless property arrays itself against them—do them justice, and you protect yourselves. You will also protect yourselves against another evil you complain of—namely, the power of agitators: their power exists only in injustice—you swamp it at once by doing justice to the people. I have stated what appears to me the true principle on which the suffrage should be based; because I cannot find any stopping place short of that principle on which a consistent argument can be sustained. It has been said, and I am not disposed to contend against the statement, that if a constitution works for public good, we ought not to change it for the sake of carrying out theoretic advantages; but changes are now called for, not from a desire for theoretic perfection, but because the existing state of things is considered to be productive of practical evil. I have dwelt at length on this first point prayed for in the petition, because I consider it of more transcendant importance than any other. I cannot, however, pass over the other points without a few observations, which shall be as brief as possible, hoping that other hon. Members who may follow will supply the deficiencies. The second point is the more equal distribution of electoral districts. This is a vitally essential principle of reform. It is plain that there can be no just or equal representation unless the Members returned bear a just proportion to the number of electors returning each Member. This is a principle which it is impossible to controvert, and yet our present elective system violates it in a manner the most barefaced. There is no one portion of the empire bears a just and fair proportion to any other portion, and so long as this anomaly exists it is impossible to say that the people are either fully or fairly represented, or that those who have the minor proportions must not feel a jealousy and distrust of legislation carried on by those who have the greater proportions; this is particularly felt by the people of Ireland, and by the people of Scotland, although in a somewhat less degree. The third point called for by the petitioners is the ballot. This question has been so often and so ably argued in this House by an hon. Gentleman not now a member, and by other hon. Members, and a notice having been given by the hon. Member for Sheffield that he would again bring it forward, that I shall not enter into details, there may be objections to the ballot; I do not assert that it would be a certain protection against bribery; to effect that object the extension of the suffrage and short Parliaments must accompany the ballot, and the ballot must accompany them; but I do assert that if we call on our fellow-countrymen to give honest votes, we ought to give the honest voter every protection in our power. No other mode of protection has ever been suggested, and, therefore, I claim the ballot as essential to representative freedom. The fourth point claimed in the delegates' petition is, that the Scotch system should be adopted universally, which renders no other qualification necessary for Members but a true return by the majority of the electors. Now, as respects this reform, we know the practical working of it, and therefore, it does not rest upon theory. No man can say, that an unfit or infirm class of representatives are returned for Scotland. But, if you demand property qualification, be consistent. Why is the door of the House of Commons to be slammed against the people's choice, when the door of the House of Lords is thrown open without reserve to the selection of the Crown? When the Crown ennobles by Peerage, the property of the individual is not inquired into: the very reverse. If the Crown raises a meritorious public servant to the dignity of the Peerage, the House of Commons votes to him out of the public funds the means to support it. Why, then, reject with this contempt a man who may be a poor, but at the same time a meritorious servant of the people, and may be chosen by them as such? When the high offices of State are to be filled, is the Crown fettered by qualifications? Why, then, should the people be fettered? In relevance to this point, I may again quote the noble Lord now the Member for London. In a speech on the Reform question, he says—

> "I believe that no reform can be introduced which will have the effect of preventing wealth, probity, learning, and wit, from their proper influence upon elections."

The fifth point which petitioners recommend is, that Members should have a reasonable compensation for their services.

Why should they not, if the public require an honest and faithful discharge of public duty? Is it not a laborious duty, and in every respect an expensive one to the individual? Will there not then be a natural tendency in the Member to compensate himself for his labour and expenses by other means than those of the faithful performance of his duty to his constituents and his country? The great object to attain is responsibility, and that responsibility cannot be effectually obtained, or reasonably demanded, in cases of unpaid services. The sixth and last point I have to allude to is the limitation of the duration of Parliaments. I believe all reformers will agree that the existing term which the representative is permitted to have of the trust reposed in him by his constituency ought to be shortened; it destroys that wholesome responsibility which the representative ought to be subjected to, and renders him to a certain extent careless of their approval or censure; but I do not at the same time deny, that much difference exists even among the most honest reformers as to the exact period to which the limitation ought to extend. The original practice of the constitution was three years, which was unconstitutionally extended by a Parliament voting the prolongation of its own existence, without any reference to the decision of the elective bodies of the country. Many are of opinion that the former practice should be re-established, whilst others think that elections should be annual. I will not now enter into the details of these arguments; this is one of the subjects which would be best investigated in committee. I am certain that if a Parliament was formed which really represented the nation, the voice of the people would have power to fix that duration which was most suitable to the national interests. I shall therefore content myself with affirming the position that Parliaments ought to be short, and, in my opinion, the strongest arguments lead to annual elections. I can conceive no other mode of correcting the evil operation of bribery but by the conjoint operation of an extended franchise, voting by ballot and frequent elections. None of these would effect it singly; but I think that the three combined would be a certain preventive of any extensive operation of that most deleterious system. I have now, Sir, concluded my review of the various points of reform which the petitioners desire respectfully to submit to the consideration of the House. I acknowledge the imperfection of that review, but I trust the House will do me the justice to admit, that so many points of such vital importance could not be discussed in all their bearings, by any speaker, without trespassing in an immoderate degree on the patience of the House. But I trust I have entered sufficiently into the argument to prove the position, that under existing laws of election the people are not fully or freely represented in this House, and that further reforms are required; and if I have established that point, then the inference is plain, that it is the duty of this House to enquire into the mode of effecting the necessary amendments. This is all which is demanded of the House by the resolution. I now propose, I simply ask, for an inquiry into the evils and the remedies—I do not ask the House to commit themselves, either to my opinions or the opinions of the petitioners, till on discussion they are proved to be right; but, nevertheless, I have deemed it my duty to the petitioners, as well as to the House, fairly to recite in the resolution the points which they pray for. I do not wish to make any concealment of those points? I do not wish to appear to shrink from the advocacy of them; at the same time I do not claim the present assent of the Members who vote for the resolution to the extent of all these points; but I claim the vote of all who admit that the people are not now fully fairly, and freely represented, in order to inquire into the means by which a full, fair, and free representation can be obtained. Sir, I am fully aware that a weapon has been placed in the hands of the adversaries of reform by the injudicious proceedings which have been adopted at a former period by the out-of-door advocates of the principles which I have now brought before the House. The attempt to carry these measures by the action of violence and tumult threw back, very far indeed, the cause of reform; but I am not the organ of those who would act in that way—who would endeavour to obtain their object by such proceedings. The first resolution of the conference of delegates declares that their object is to obtain a full, fair, and free representation of the people by Christian means alone, and this declaration was cordially joined in by all the delegates of the Chartist body who attended. I am also aware that even now the cause is deeply injured by the extravagance of the demands which some of the leaders of the Chartist body have induced great numbers of the people to put forward. On these demands an objection is founded, that the suffrage is claimed in order to effect changes destructive of the settlement of property and all the institutions of the country. I have been already told so; but I answer, that if the people have been induced to threaten violent or extravagant changes, if they combine against property, it is because property has arrayed itself against them. It is not the natural disposition of the people of England; it is produced by a feeling of the effects of unjust laws and extreme distress, created, as they believe, by class legislation. If this feeling extensively pervades the people, are you in a state of security? You must treat this condition of things in one or other of two ways,—you must do the people justice, or you must prepare to sustain the refusal of that justice by the power of the sword. The people never will rest satisfied till a just share of political power is extended to them. You are now suffering the consequences of protracting justice. If the Reform Act had been progressively amended, the demands which I now lay before you would not have been heard from the united voices of the middle and working classes; but when that union fully takes place your power to refuse their demands will be of short duration. Their claims are now brought before you in the most respectful and temperate manner by the body from whom I am the messenger; they desire to be the harbingers of peace between the aristocracy and the people; they solicit your House to take their prayers into consideration, and I add my entreaties to theirs, that before it is too late you will at least manifest a desire to consider the means of doing justice to the people. It has been said, that increasing the popular rights would destroy the power of the aristocracy. I shall take leave to quote the words of Lord John Russell in the speech already alluded to—

> "Wherever the aristocracy reside, receiving large incomes, performing important duties, relieving the poor by charity, and evincing private worth and public virtue, it is not in human nature that they should not possess a great influence upon public opinion, and have an equal weight in electing persons to serve their country in Parliament. I contend they will have as much influence as they ought to have, but if by aristocracy be meant those persons who do not live among the people, who know nothing of the people, and who care nothing for them, who seek honour without merit, places without duty, and pensions without service, for such an aristocracy I have no sympathy, and I think the sooner its influence is carried away with the corruption on which it has thriven, the better for the country, in which it has repressed so long every wholesome and invigorating principle. The real question is, whether without some large measure of reform, legislation can be carried on with the confidence and support of the people."

These are the sentiments which I wish to impress upon the House, though I have been incapable of expressing them with such force as the noble Lord has done in the passage which I have read to the House. But I would call upon the House, and upon the Government, to show at least a disposition to consider the applications of the people, if they did not feel themselves justified in conceding to them. Let them, at all events, receive the people with kindness; and let them inquire into the means by which real grievances may be redressed. That is the object which I have had in view in bringing this motion before the House. If the noble Lord, the Member for the City of London had been present, I should have called upon him to fulfil his professions, and to appear as the leader of the cause of the petitioners, and to come forward as the advocate for the extension of their rights. I regret that the noble Lord is not here to do that which the people have a right to expect from him, according to his former declarations, and which I am sure he would do. I trust that in doing what I conceive to be my duty, I have not shown any disrespect to any party or to any individual Member of the House. I wish to have the subject regarded apart from all party bias, and without the aggravation of controversy, and in a spirit consistent with the prayer of the petitions which have been presented to the House. Having now brought the subject under the notice of the House, I shall conclude by thanking hon. Gentlemen for the attention with which they have listened to my statements, and imploring them to give their serious consideration to the motion which I now submit:—

> "Whereas various petitions have been presented to this House, stating, to the effect that under the present system of election laws the people are not duly represented; and that they are thus deprived of the acknowledged right of freemen to have a voice in the making of the laws by which they are governed, and in imposing the taxes which they are required to pay: and therefore praying, that the right of

voting may be extended to the adult male population of the realm, subject to no limitations or restriction, but such as may be necessary for the safe and correct practical exercise of the right itself. That votes should be taken by ballot. That election districts should be equalized, to accord with the number of electors. That no qualification should be demanded from Members, but that of being duly elected by a majority of votes. That representatives should be paid for their services at the public expense. And that elections should be annual. And, whereas, complaint having been made, as above stated, that under the present limitation of the franchise and laws of election there is not a full and free representation of the people, it is, therefore, the duty of this House to take into immediate consideration the amendment of these laws, with a view of giving to every portion of the community a full, fair, and free representation in the Commons' House of Parliament; and this House will, on an early day, resolve itself into a committee of the whole House for the purpose of considering the same."

Mr. *Wallace* said, it was highly satisfactory to him, being one of the oldest reformers in the House, to hear the speech of the hon. Gentleman, and to find that he had brought forward a subject which was worthy the most serious attention of the House. The consideration of this subject was closely connected with the interests of the reigning family of this country. The middle and the working classes were beginning to understand that their interests were mutual; and had discovered that the Reform Bill was a failure, and that a gross deception had been played off upon the people by those who concocted that measure. Amongst those who were censurable for the inefficiency of that measure he included the right hon. Baronet opposite, who, he knew, was a party to the framing of the bill. He appeared there to advocate the rights of the people, and he asserted most solemnly, that there were rights claimed in the documents which the hon. Member had brought before the House in so mild and gentleman-like manner, that ought to arrest the most serious consideration of the House. Let them reflect upon the good sense, and the good temper, as well as the ability with which the subject had been introduced, and let them treat it in a like manner. He believed that many hon. Gentlemen on both sides of the House would not have supported the right hon. Baronet in his measures if they had to go before their constituents annually. He remembered the exertions of Mr. Grey and Mr. Lambton in 1792 and 1798 in the cause of reform, and although at that time there was not much opportunity for a Scotchman to get into Parliament, he carefully watched the events of the times, and was prepared to say, that the friends of the people in 1792 and 1798 were perfectly right; that although parts of their plans were included in the Reform Bill, the bill which Lord Grey did bring forward had practically been utterly fallacious in its effects. The Reform Bill had not done that which was expected; it had not put down bribery and corruption, for never was a Parliament returned which had spent so much money and so disgracefully as the present; never was so much venality and intimidation as at the last general election. In former days intimidation was unknown; it was a new instrument of oppression and wrong. The framers of the bill it now appeared were well aware how corruption and intimidation worked; but, being wise in their day and generation, they took care to exclude from the Reform Bill the ballot. He would ask hon. Gentlemen who represented counties, if they durst go to their constituencies and say, they had not broken their pledges and promises? And if they had not led their constituents to expect their general line of conduct would be so and so, and yet had departed from that line, did they deserve to be called independent Members of Parliament or even Gentlemen. He believed that many hon. Members had deluded their constituents, or else their constituents must have misunderstood them grossly. Would county Members who supported the right hon. Baronet's plans affecting agriculture, go to their constituents and resign their seats if their constituents were disappointed? No; he believed they would linger on to the end of their seven years. Therefore, it was absolutely necessary that the course proposed by the hon. Gentleman should be followed. He had been originally in favour of the ballot and of triennial Parliaments. But lately he had taken into his serious consideration the question of annual Parliaments. He had refused to some electors of the borough he represented, from the very first time the charter was brought out, to adhere to the charter. They had with credit to themselves refused to support him, because he would not be a charter man. He believed nothing could induce them to vote for a Tory; they would rather go to—he should not say whither—than do so. Had annual

Parliaments been established in lieu of septennial, the country would have been presented with a totally different measure of finance from that of the right hon. Baronet, who, in that case, would not have ventured to propose such a measure. He was prepared to vote for annual Parliaments, but if he did so, he should acquaint his constituents with the fact, and tell them, that if they disapproved of his vote he would resign his seat. Would hon. and right hon. Gentlemen who supported the Corn-bill and the tariff of the right hon. Baronet contrary to their pledges or the expectation of their constituents follow his example? No; he believed they would keep their seats. He was of opinion that the Scotch Members were as good representatives as the Gentlemen of England and Ireland. There were very few Whigs amongst them; only a stray one here and there. The people of Scotland knew what they were about; they sent either out-and-out Radicals or out-and-out Tories; they did not like half-and-half men. They said, "Let us have a man with a mind of his own and who knows what to be at." That was the reason they had sent him to Parliament. They did not want Members who never asked questions, or spoke a word except when commanded to say "Aye," or "No." Let the right hon. Baronet look at the representatives of Scotland, and he might then judge what the people were. He should support the motion most cordially.

Dr. *Bowring* could not consent to give only a tacit concurrence to the motion of his hon. Friend, because he looked on it as one of the progressive steps of public opinion towards political perfection—one of the milestones which marked the road to reform. Those who stood up for that great principle—that there was no safety for a government which was not built upon the affections of the people, could scarcely refuse to support the motion. The mutual dependence of the various classes of society upon each other should not be disregarded. The more opulent classes with all their knowledge and rank and influence, could do but little without the multitude; and the clamour and excitement and coalitions of the multitude would accomplish little without the aid of the higher classes. It was usually supposed that the House of Commons represented the feelings and wishes of the people; but how were those feelings and wishes to be known by the House unless the people were allowed to speak to it and through it? How was general opinion to be really and truly collected and represented except by general suffrage? The right hon. Baronet the other night appealed with much satisfaction to a petition from Manchester, signed by 14,000 persons, and attached great importance to it because it was in his favour; but why did they turn a deaf ear to the prayers of petitioning millions? In the name of those millions he would ask that some importance should be attached to their representations; and, in his opinion, the petitions of the unrepresented were entitled to a greater share of attention than those of the represented who could speak in that House by their Representatives, and thus to a certain extent influence the course of legislation. Some portion of power was indeed possessed by that minority of which the electoral body was composed, but what power had the unrepresented — the suffering masses—those who through a pernicious course of legislation were enduring so many evils without the means of defence or relief? Could hon. Gentlemen look on the present state of society in this country and not feel that there were many elements of danger in it? On the one side were the privileged and monopolizing few, and on the other the suffering millions; the one side possessing all, and the other little or nothing, and yet deserving much. Could hon. Gentlemen reflect upon this state of things without feeling any alarm or anxiety for the public safety? If the people had borne their grievances with so much patience and with such admirable fortitude as had been acknowledged by the right hon. Baronet himself, was not the House bound to attend to the prayers of the petitioners? What did his hon. Friend ask? Not the immediate application of those principles which he had recognized, and which if they were founded in truth must be recognized ultimately, but such a tendency towards their adoption as should give some hope to the excluded and the suffering. No doubt they would ultimately and entirely succeed, they wanted nothing to secure their complete success but their detachment from all projects of violence and ignorance, and their being presented and presented again in their naked strength and truth to the Legislature; his hon.

Friend demanded a larger extension of the suffrage. Were the people of this country less worthy of universal suffrage than those of Switzerland, Spain, and America? What dangers had the universality of voting produced in those countries? Had any mischief arisen out of the extension of popular rights in the United States? He knew of none. His mind was always overwhelmed with a sense of injustice when he saw a man deprived of the franchise, though, perhaps, in many respects more entitled to it than himself. He thought the exclusion of others from the enjoyment of the franchise was a violation of the great precept by which we were commanded to do to others as we would have them do to us. In that opinion he was not singular. He had heard the late Mr. Roscoe, once a Member of that House, say that he could not understand upon what principle universal suffrage could be denied by those who acknowledged the authority of that great precept. Should a man be denied this privilege because he was less opulent than his neighbour? That was a reason rather that the law should come to his help. If the arrangements of Providence —if conscientious dissent—if any circumstances placed him lower in the scale of wealth or influence than his neighbour, must he, therefore, be deprived of those rights and privileges to which he was equally entitled? Moral degradation was not an exclusion; the most drunken and the most corrupt, the most slavish and the most servile, might be admitted—but property was made the ground-work, poverty the bar to representation. Aptitude went for nothing. His hon. Friend had attached a very important proposition to universal suffrage—the ballot; because all reformers knew that it was necessary that the voter should be protected in the exercise of his franchise, if his franchise were really meant to be efficient—not useless or dangerous—a blessing instead of a bane. The hon. Member had referred to short Parliaments. He had always been an advocate for annual Parliaments. He thought that they were more in conformity with the arrangements of nature, and with social habits. He observed that the course of the seasons were the measurements by which many of the great events of life were regulated. Multitudes of offices were conveniently made dependant upon the termination of a year. He had always declared to his constituents that he would give them the advantage of annual Parliaments. It was his custom to offer at the termination of every year the trust that had been reposed in him by the electors whom he represented. Any other Member might easily follow his example. Why should not electoral bodies stipulate for the surrender of the representative trust at the end of every year? The hon. Member then referred to the gross inequality in the state of the franchise. Was it fair, he asked, that 100 persons should possess the same as was intrusted to a number ten times as great? Was such a principle to be for a single instant defended. If the constitution of this country was to be considered the result of public opinion, then it was their duty to make the House of Commons a fair and honest representation of the voice of the people. With regard to the qualification of Members, he would ask whether Scotland was not as well represented as any other portion of the United Kingdom? Was it not better represented? A man might be poor one day and possessed of wealth on the succeeding one, and yet a man because he was poor was not considered qualified to exercise the functions of a legislator. It was not talent, ability, knowledge, or character which rendered a person qualified to sit in that House, but wealth was considered to be the only legitimate test of a man's senatorial capabilities. With regard to the payment of Members, it was his belief that a large body of men, possessed of high attainments and great knowledge, were prevented from giving their services to the country in consequence of the State not considering it its duty to pay Members. He had no doubt that there were many opulent men influenced by a high and honourable ambition who would willingly devote their time and talents to their country without any regard to remuneration; but it was also undeniable that the present system operated in keeping out of Parliament men who would be able to elucidate with much valuable knowledge all those topics which usually came under the consideration of Parliament. Although he was disposed to go even further than the hon. Member, it was his intention to vote in favour of the motion which he had submitted to the House.

Mr. *Williams* was not in the least degree surprised at the silence of hon. Members opposite with reference to the important question then under consideration. When he saw how the present system worked in advancing the interests of the aristocracy at the expense of the people, he did not feel astonished at the indisposition manifested by the hon. Members who represented the aristocracy to meet the question which his hon. Friend had so ably brought before them that evening. Having been in Parliament during the passing of the Reform Bill, he had an opportunity of witnessing the complete failure of that measure. Not one principle upon which that bill had been based had been carried out to its proper and legitimate extent. Lord Grey had stated, when the Reform Bill was introduced, that his object was to promote the interests of the people, and to provide for them a cheap and good government. He would ask, had those objects been attained? If we had had a good Government, good and just laws would have been enacted. Had the House passed laws extending equal justice to the rich and the poor? If the statute-book was examined they would find, that no such laws had been passed by the Parliament since the Reform Bill came into operation. Had cheap government been attained by the Reform Bill? The House would find that the expense of the Government of this country had been millions more than it was before the passing of the Reform Bill. On the 24th of June, 1831, Lord J. Russell, in proposing the Reform Bill, stated—

> "When I propose a reform of Parliament, I do so in order that the people of this country should be really represented in this House, and that they may have a House of Commons that will deliberate on their wants and consult for their interests—that will consider their grievances and attend to their desires, and that the people shall possess, in fact, what they before only possessed in theory."

He would ask any hon. Member if any of the noble Lord's propositions had been carried into effect? Why the objects, so distinctly stated in the noble Lord's speech, were all that the people required. All that every Reformer in the country wanted was a House of Commons that would "really represent the people—that would deliberate on their wants, and consult for their interests—that would consider their grievances and attend to their desires." Well, then, if the Reform Bill had turned out to be so complete a failure, was it not to be wondered at that the very individuals who had promoted and encouraged the passing of that bill should, on such an occasion as the present, be absent from their seats in that House? If any party question was to be carried out, they would be found in their places ready to whip up their friends, and get them to support them; but now, when a great question concerning the interests of the people was brought forward, they were not to be seen. If the right hon. Gentlemen opposite had no intention of expressing their opinions on this question, they had, at all events, shown a deference to the complaints of the people, by attending in their seats. Now, to show that the Reform Bill must necessarily be a failure, he would read some returns of the elections of 1840, which would strongly illustrate the constitution of that House. From that return it appeared that there were five towns returning Members to that House, of which the aggregate constituency was 1,088; five returned ten Members, with a constituency of 1,496; and twenty towns returning forty Members, in which the constituency was 6,288. Thirty towns returned sixty Members, with a constituency of 12,180. Manchester returned two Members, and possessed a constituency of 12,150. There were forty towns which returned sixty-seven Members, with a constituency of 14,180; there were seventy-four towns returning 121 Members, with constituencies of 29,996. The West Riding of Yorkshire returned two Members, and possessed a constituency of 30,120. Now this was a perfect exhibition of the representation of the country. There were sixty-one Members returned by the same constituency as two Members. In another case, there were sixty-seven Members returned by a less constituency than two Members. In another case, there were 121 Members returned to that House by a less constituency than two other Members. It was proved by this exhibition that the Reform Bill had been a failure. They saw small constituencies, with vast interest and wealth, brought to bear upon them, in order to obtain seats in that House—in order to advance the interest of a particular class at the expense of the rest of the community. They had seen a vast system of corruption since the passing of the Reform Bill, but more perhaps during the last election than any preceding one. He would venture to say that, in the old times of the boroughmongers, when, to use the words of the late Lord Castlereagh, "bribery was as notorious as the sun at noon," there was less corruption than there existed at present. In the times of the boroughmongers, a person in want of a seat went to the patron of the borough, and offered him a certain sum of money. The same individual now went to the corrupt constituencies, who were actuated by the most base and sordid motives. He believed, that the only difference was, that a better bargain was likely to be made under the old system, as the patron of a borough was not likely to be influenced by the same degree of sordid feeling as a corrupt and debased constituency. Whatever might be the opinion of hon. Members opposite, or of those who usually sat on the front benches at his (the Opposition) side of the House, he believed that such would be the effect of the mismanagement of the affairs of the country, that more attention must soon be paid to this question than it now received. He believed, that it would be forced on their attention by a pressure from without, which they would be unable to resist. He would like to see those questions calmly taken up and discussed, with a desire for the public interest, within the walls of that House, and he should much prefer to see them considered in that way than under a pressure from without. There was no difference of opinion amongst all classes of Reformers as to the clear necessity for great and important changes; their only difference was, as to the means of accomplishing them. He called on those most largely interested in the property of the country to be wise in time, and to consider those questions which, at no distant time, would be forced on them.

Mr. *Ward* said, that nothing was so disagreeable as a one-sided debate. He was willing, however, to accept the silence of hon. and right hon. Members on the Ministerial benches as a tribute of acknowledgement on their parts of the importance of the question at issue. He considered it as an admission that, however impracticable it might be, in the present state of parties to expect any great change in the representative system to be carried as the result of the present debate, still the principle of the proposition was one of such importance, that it ought not to be dealt with lightly, and that, therefore, the best course was to leave the whole thing untouched till all the speakers on the Opposition side had exhausted what they had to say, and then allow the right hon. Baronet (Sir Robert Peel) to close the discussion, (if so it might be called) with assuring the House that whatever might be the importance attached to the subject, he really could not at the present moment entertain the motion of the hon. Member for Rochdale, or conceive that it would lead to any practical result. He was willing to accept their silence on that ground. Owing to this silence on the part of Ministers, he felt himself under the necessity of following some five or six speakers on his own side. It was his intention to support the motion of his hon. Friend. On former occasions he had differed from his hon. Friend (Mr. Crawford), not in point of principle, but in point of time. The motion came before the House now in a very different position from any in which it had been before introduced, and it had been brought forward by his hon. Friend in a speech, to the moderation and temper of which every one who had yet spoken had borne witness. His hon. Friend had disclaimed any wish to pledge any one to all the points apparently involved in his motion. His desire was, to induce the House to consider those points, and to look at the present unsatisfactory state of the representation, as a proof of the necessity of ultimately working out a more complete representative system. With regard to annual Parliaments, that was a point which he was not himself at this moment convinced would be beneficial. He should prefer a longer time. He thought three years preferable to one; for he did not wish Members of Parliament to be so constantly and immediately under the control of their constituents as to render all independence of action or freedom from bias on their parts impossible, while Triennial Parliaments would secure a real, and positive responsibility. With regard to a property qualification, Scotland was a proof that it might be dispensed with safely. He had voted for the motion brought forward by Sir William Molesworth to dispense with the qualification of English Members in the same way as the qualification of Scotch Members was dispensed with; and as to the argument that it would introduce men without any stake in the country into that House, he did not attach the slightest importance to it. There was always a sufficient leaning in favour of wealth, and worldly advantages; and if there were a constituency in England over whom a peculiar influence was exercised by the talents of a comparatively obscure individual, and one who really and effectively represented the interests and feelings of that constituency, he should be delighted to see him a Member in the House of Commons, and he would not insist upon a property qualification, which a man of high connections had always the means of obtaining. Indeed, as the law now stood, he thought that a property qualification was very little better than a fraud. Then came the question as to the extent to which they were prepared to widen the franchise. While he was willing to go into the fullest consideration of the question, he was not prepared to say, that he would entirely disconnect the suffrage from the possession of some property. At present the limits of the franchise were much too confined. There was excluded from the constituency a vast mass of intelligence, worth, and sound and honest feeling. He wished to widen the basis of the representative system, that he might secure the country against those dangers which many were disposed to believe would result from its present unsatisfactory state. It was said, that great steps had already been taken in this direction by the Reform Bill of 1832, and that the people were now much more fully represented than before that period. This might be true; still a great mass of the people even under that bill, felt that they enjoyed only a virtual, and not a real representation. Now, the idea of virtual representation being a satisfactory substitute for real representation was completely exploded in 1831. How could they reconcile virtual representation with the old saws that were in every body's mouth. They talked of taxation and representation being co-extensive, and yet they taxed twenty where one only was represented. They not only would not give the people any actual part of the power of representation, but they refused them the right to inquire how those who were said virtually to represent them exercised that power. These were anomalies which required correction, and discussion alone could bring them out in bold relief before the minds of those who assumed the character of governors and legislators. Nothing might immediately result from the present motion, nor from a similar motion in the next year, or in the year following; but if the question were to be brought forward and argued rationally, divested of all those nonsensical theories, which had hitherto thrown discredit upon it, and with which it in reality had no connection; if those, in short, who were the advocates of a great change in the representative system would confine themselves merely to the consideration of those moral and rational means by which their object might be effected, they would ultimately succeed. They might then with more justice urge their cause, and it would be difficult, if not impossible, to resist a motion of this nature, and it would soon become the law of the land. That was his conviction. He believed it was a question of time, and time only. He believed the cause was founded in justice, and that no power could prevent it from being finally successful. It had been urged as a reason against the extension of the franchise that it would be misused. Was the use of the franchise at the present time so perfectly immaculate? Were those parties who had appeared before the committees of that House so disinterested, and so patriotic in the use of the franchise, that the working classes ought to be satisfied with seeing the representation exclusively confided to their hands? Need he ask these questions? Why, scenes more immoral, more dishonest, and more revolting to all just principles, had been recently revealed before election committees than had ever before been recorded. He did not care on which side these offences were found; both sides were equally guilty. The only question between them was, on which side the greatest number would be found out. He should be perfectly satisfied to vote for the disfranchisement of Sudbury; but he should think it very hard, if all the corrupt practices were to be considered as confined to his side of the House, because the late representatives of Sudbury happened to belong to the Liberal side. But he might be told, that the poorer the voter was, the more likely it was he would be influenced by bad motives in the exercise of the franchise. He would not and could not believe it. Wealth was no guarantee against corruptibility. He believed there was just as much corruption in that House as among any constituency in the kingdom. It was certainly a different sort of corruption; but it was an appeal to a man's personal wishes, wants, and ambition. Personally, every Member might have his own motives and inducements for giving his vote. There was just as much corruption in a blue ribbon as in a bribery of two sovereigns. There was just as much corruption in subserving the purposes of class-interests, as in any pecuniary influence, that could be exercised over the poorer voter. Why, the question of the Corn-laws, was altogether one of corrupt influence. The whole class-interest of agriculture was bribed by it. So, again, with respect to the sugar duties—all the West-India class were corrupted by them; as were those connected with the shipping interest by the timber duties. He could go on thus, and enumerate fifty sources of corruption, which, if properly applied, by a discriminating Minister would always have the effect of carrying certain objects, which certain parties might think it desirable for their own interests to carry, whatever might be the effect of them upon the public interest. He would admit, not only for the argument sake, but as a fact, that by the extension of the suffrage, many persons would obtain the franchise, who would yield to corrupt influences. But were there not checks to reduce this evil to its smallest amount? If the system of secret voting were established, and if the country were divided into electoral districts, on a large basis, security would be given against corruption, by the extent to which it must be carried, on the one side, and the uncertainty of the issue, on the other. That was the only security they could get. If he were asked whether he thought the poorer classes of voters were more disposed to corruption than the higher, he should say "decidedly not." He represented a population of 100,000 persons, among whom there were only 4,000 voters. But he had always considered the opinions of those who did not possess the franchise to be quite as important as the opinions of those who did possess it; and quite as free from any corrupt influences. Men of harder heads, sounder intellect, of more honesty and better feeling, than he had found among the working classes, could not be met with in any grade of society. He would say more; there was a freshness and a soundness of mind about them, which was very different from the general character of the old and hacknied constituency of the country. They took a deeper interest in public matters, and were more open to conviction, and were always more disposed to act fairly, than those who assumed a sort of exclusive, and hereditary right to exercise the franchise. These men were, at the present moment, in a very formidable state of organisation. They had their own leaders, and possessed the means of combining their powers throughout the whole country. It was true they had mixed up with the suffrage question some very impracticable schemes. But why was this? It was because the Legislature refused to them the only safe and legitimate mode of giving expression to their opinions. This refusal forced the working classes to follow the guidance of bad and mischievous leaders. When the Reform Bill was achieved by the united exertions of the people, they naturally expected a more cordial interchange of opinions between them and the Members of the House of Commons; but in that they had been disappointed. The Members of a reformed Parliament had not shown to the people that frankness of communication and that kindness and sympathy which was expected from them. This it was which had alienated the great mass of the people from them (the House of Commons). What, then, was the remedy for all this? The remedy, according to his judgment, consisted mainly in the adoption of the principle embodied in the motion now under consideration. It would soothe the angry and dissatisfied feelings which at present pervaded the minds of the working population of the country. It would convince them that there did exist a sympathy on the part of the Legislature of the empire towards them; and that their exclusion from the pale of the constitution was not to be eternal. And what was the argument used against the adoption of this motion? It was the same that had ever been used against the adoption of every liberal principle; it was that which was always urged against every concession of popular rights, namely, that if change once began, nobody knew where it would stop. During the discussions on the question of Catholic Emancipation, Mr. Canning had to meet this argument, and to grapple with those who refused to concede anything, upon the plea, that the Catholic religion was a mere idol worship—that all Catholics were bigots—and, above all, that their leaders were dangerous men—and he (Mr. Ward) recollected his using that noble and memorable figure in which he said :—

> "If you wish to cure men of idol worship, throw open the temple of the constitution, and let them see the real divinity enshrined within."

That was the system to adopt with the working classes. If they were now in bad hands, the best way to rescue them was to give them a share in the legislation of the country; let them have a fair proportion of legislative power. Without pledging himself, therefore, totally to disconnect the franchise from a property qualification, but at the same time wishing to give every man the hope and prospect of enjoying it, he should most cordially support the motion of his hon. Friend.

Sir *J. Graham* said, it had been very far from his intention to address the House upon this question to-night: but, after what had fallen from the hon. Member for Sheffield (Mr. Ward), he felt it necessary to say a few words. A total silence on his side of the House might be considered disrespectful, if not to the House itself, at least to a large class of the people. He need hardly say, that there was no such intention of disrespect; still he felt it his duty to offer a few observations to the House. He was forcibly struck by an observation of an hon. Gentleman who had spoken in the course of the debate, who said that his anxiety was not so much for the sake of what the success of the present motion would in itself effect, as for the sake of the benefit which would result from the fact of the work of legislation going on rapidly and diurnally upon the railroad of reform, by which they were descending on the inclined plane that would finally land them upon the level of the Charter. He agreed in this view; for the real question was neither more nor less than this—should they adopt the principle of the five points in the People's Charter? The hon. Member for Sheffield had said that it was merely a question of time; he would say that it was a question of degree. When he carried himself back to the discussion of the Reform Bill in 1831, he remembered with what acclamations were received the large popular concessions that were then made by Earl Grey, and what importance was attached to the extent of those concessions, and how intense was the joy with which they were received by a grateful nation. But to-night those concessions had been treated with contempt. ["No, no."] Yes! with contempt; they had been spoken of with derision, and it had been asserted, that the franchise which was given by the Reform Bill was absolutely worthless. ["No, no."] No! Why it had been contended, that the present system of representation was not real representation, because it was not universal; that it was merely virtual representation. The hon. Member for Coventry had entered into an analysis to show the large number of Members returned by small constituencies, while the larger constituencies did not possess a greater share in the representation. All this he most frankly admitted. It never was professed at the time that the Reform Act was proposed, that the principle of representation was population, and not property. On the contrary, it was denied that numbers were to be the basis of the representative scheme; and it was as frankly avowed, that the system was to rest upon property. Therefore, there was no dissimilation in the opinion he entertained at the time the Reform Bill passed and that which he now declared, namely, that he did not desire to see the system of representation rest upon numbers to the exclusion of all consideration of property. But to be sincere, he was bound to say, that they were to-night discussing an abstract proposition, and the real practical question which this subject involved, was neither more nor less than this—what should be the form of Government under which they were henceforth to live? If this system of representation were to be established, he was satisfied that the limited monarchical form of Government, under which they now lived, would not survive a century. It could not and it ought not. If the principle of representation were based on numbers, to the exclusion of property, then the present distribution of property in this country could not be sustained, and that dormant popular principle to which effect would necessarily be given, must put down, and ought to put down both the Crown and the aristocracy. This subject was maturely considered by those eminent men with whom he had the honour of being associated when the Reform Bill was introduced. He was sorry, that what he was about to state could not be confirmed by the testimony of those who were cognizant of its truth. But in the absence of those who, if they were present, could not contradict him, he might say that, admitting the dangerous extreme to which he then thought the aristocratic influence prevailed over the popular influence, the Government applied as a corrective, the utmost measures that were not inconsistent with the maintenance of the ancient institutions of the country. He felt, at that time, that they (the then Ministers) were fully justified in declaring that, as far as they were concerned, it was their ultimatum. He had seen no reason since to change his opinion; and he did think that, consistently with the safety of the monarchical Government under which they had still the happiness to live, the popular influence which was afforded by the Reform Bill through the medium of that assembly (the House of Commons) went to the full extent consistently with the maintenance of those institutions. He had never receded from the opinions which he at the time of the passing of that measure entertained, and he honestly entertained it now. To motions of this description, therefore, he was bound to give his opposition. Whatever abstract semblance of advantage or justice they might assume, he could not but look upon them as practically full of danger—danger no less than that of overthrowing the monarchical Government of this country.

Mr. *O'Connell:* I confess I have heard with some surprise the right hon. Baronet prophesy, that if this motion should be carried, it would be the destruction of the peerage, and the annihilation of regal power in this country. I am surprised to hear the right hon. Baronet use such words, because I am old enough to recollect that he was charged as one of those reforming Ministers of whom he has spoken with having attempted to realise this very prophecy. It was during the discussion of the Reform Bill declared, that if that measure were carried, the peerage was gone and the Crown destroyed. The right hon. Baronet then very properly repudiated the prophecy, and derided the prophet; he has now, however, thought it right to assume a directly opposite character; and, without presuming to speak of him with derision or disrespect, I treat with the same repudiation and indifference the prophecies which he has now himself put forth. The hope held out to the people of England—and I use that word as expressive of the inhabitants of the three countries—when the Reform Bill was passed, was, that we should have a popular representation. It was the very foundation of the measure of the noble Lord, now the Member for London (Lord John Russell). We then thought it was a great boon, because we were led to believe that we should have a popular representation. For although it would not be universal, nor anything equivalent to it, still it would be so extensive as to give to the Members of this House a station, a power, and a responsibility, that would enable them to represent efficiently the British people. The noble Lord (Lord John Russell) on that memorable occasion began his speech by referring to the statute of the 25th of Edward 1st, for the principle that no British subject should be taxed without his own consent, it being the statute of "*De Tallagio non Concedendo*;" the very first words of which declared that, without the consent of the archbishops, bishops, barons, knights, burgesses, and other freemen of England, no aid should be levied for the support of the Crown. It was, during the discussion of the Reform Bill, conceded the principle of taxation was not so acted on; and that it was desirable to bring the constitution of the House as nearly to that principle of taxation as possible. Upon that ground, we thought the Reform Bill a great concession; upon that ground it was supported by the Radicals of the House, as well as the mere Whig Reformers. Upon that ground I myself, as a mere humble individual, avow that I supported it, and the reason why I seek further reform is that we have been deceived. The people have been disappointed. The Reform Bill has not given the people an influence in this House which represents particular classes only; that being so, the principle of reform has not been obtained, and, therefore, we are entitled to say, that it has not yielded that benefit which we had a right to demand. Now, let us see how we stand with regard to facts. Is there any dispute as to this fact—that the people of England are divided into two classes? First, the master class, who have votes for representatives, and a voice, therefore, in this House in the making and enactment of laws; and, secondly, the slave class, who have no votes, no voice, no share, no influence in legislation, but are bound to obey laws made by others.

When one class makes the laws with which another has nothing to do but to obey, that other class is a slave class. Nobody can deny that such is the present situation of the people; nobody can deny that the master class is relatively small, and the slave class positively numerous. In the most favoured part of England, not more than twenty in every hundred have the right of voting for representatives: eighty per cent. have no franchise. In my country the disproportion is even greater. The population of the county of Tipperary is more than 480,000, and the number of electors not more than about 2,000. Ought that inequality to continue? Is that the constitution? When you find that your Reform Act avowedly falls so infinitely short of the reasonable hopes of the people as regards the suffrage, what is to be done? Is the defect to remain without a remedy? Will you remedy it, or will you leave the remedy to others? That is the question. I want to know what is the real ground of the preference you give to the master-class over the slave-class? What grounds of reason or common sense can you assign for it? When the statute *De Tallagio Concedendo* was passed, it ended with "freemen," and why? Because there was then a class which was not consulted—the slave-class, admitted slaves, slaves who were property. Now, under the pretence that there are no slaves, you are, in truth, continuing the slave-class of the period to which I have referred. The right hon. Baronet tells us that when the Reform Act was passed, not population, but property, was considered. What property have freemen, let me ask? What property have those who acquire the franchise by servitude? You give the suffrage to the 10*l.* householder—what property has he? He may be liable to pay a rent of 50*l.*, or of 500*l.*, but because he occupies a house of 10*l.* a year, you give him the right to vote. Again, you give it to the man who pays 50*l.* a year rent in a county. He has no tenure, and 50*l.* may be double the value of his holding—what property has he? You allow the franchise to a particular kind of copyhold, and refuse it to another. What rule or system is there in this? You have introduced uncertain and fantastical restrictions, and what do we do? We call upon you to abolish them. Consider every man who pays taxes, whether directly or indirectly, entitled to vote for his representative, and let me tell you that there is no man, however poor, that you do not take property from. If you take property from him, I say that he has a right to his share in the constitution: he has a right to it by the principle of representation: he has a right to it by reason of his common humanity, for nature and nature's God have stamped you with no superiority. Nature has given you no additional claims. You dare not, in these days, assert the doctrine of your pre-eminence and aristocracy under the feudal system in your words, and you are not to be permitted to assert it practically in your deeds. But you have gone a ludicrous length upon this subject, and have arrived at ludicrous results. You receive two members from the county of Tipperary, the population of which is 482,908, and the number of voters 2,468: you give the same number of members to Thetford, which has a population of 3,462, and a constituency of only 152 voters. There is an inequality still more glaring. At Harwich, there are 4,297 inhabitants and 181 voters; while the West Riding of Yorkshire, with a population of 1,159,124, and a constituency of 30,122, returns only the same number of members. Thus, by your test of property, you give to 30,000 electors no more representation than you give to 181 electors. Is this state of things to last? Can it last? You insist also that Parliament shall continue for seven years. By what right? The title to the Crown (and there cannot be a better title in the world) is mixed up with the duration of Parliaments. The same transaction which gave the Crown to one family and took it from another, gave the people triennial Parliaments. How have they lost them? By the exercise of power in opposition to justice: by the grossest violation of constitutional right. The triennial right of the Revolution has been wrested from the people: and why was it wrested?—because the people were unrepresented. The motion before the House hints at annual Parliaments: I prefer triennial, and that term was fixed at the Revolution. I prefer it, from a conviction that annual elections would be taken as matters too much of course; there would be more difficulty in removing an objectionable man if Parliaments were annual. It is found by experience that people will not take the trouble to remove a man when the choice is annual;

but when it is to endure for three years they will think seriously of it, and exercise more care and caution. I, therefore, guard myself against any supposed concurrence in a proposition which my judgment does not approve. I am decidedly for triennial Parliaments; but you refuse even the consideration of the question. There is another point of importance connected with this subject—it is the ballot. Has it been denied since this Parliament met, that at the last election there prevailed more disgraceful and profligate bribery than at any previous election in the history of the House of Commons? I accuse both parties, and both parties have all along been accused. If the *Morning Chronicle* charged one side to-day, it was because the *Times* had charged the other side yesterday. I have heard it admitted in this House. I do not mean to misquote, but I think the right hon. Baronet attributed it to the larger constituencies; at all events, it was not denied, and we may take it to have been equal. There is not the smallest doubt that bribery was never so great nor so barefaced, and it has already begun to appear even through the dull medium of committees. What is bribery? The most unprincipled crime that can be committed; it is aggravated by all the horrors of perjury; it familiarizes the public mind with the basest iniquity, and demoralizes it from one end of the country to another. You are religious; you boast of your religious principles, and at the last election much was said of the difference between one sort of Christian and another. You are loud in professions of your pure Christianity, but where is the reality? You object to the ballot, and say that it will increase bribery in small constituencies. I am not of that opinion. I think bribery will be made exceedingly difficult; it will be a criminal conspiracy, and gentlemen will not like to become the objects of indictment, when it is next to impossible to escape detection. At all events, this objection only applies to small constituencies; and I have the testimony of the right hon. Baronet, that at the last election it prevailed in large as well as in small constituencies. [Sir *J. Graham*: No.] If I mistake the right hon. Baronet, I concede the point at once; but without that evidence, the fact is undoubted, and has been repeatedly avowed. Then all I ask is, that you will take this step in favour of morality; give the ballot to large constituencies. Prove the sincerity of your religious principles by doing what you can to improve the morals of the lower orders. I do not mean to detain the House at any length on the question of the qualification of Members. There was no qualification in the Irish Parliament before the Union; there is no qualification in Scotland at the present day. Members for the Universities require no qualification; the sons of Peers need no qualification. This is a question which deserves inquiry. Shall qualification, or shall it not, continue? I am an advocate for peaceable reform—for tranquil progression—for the gradual adoption of the principles of public liberty. I know that these subjects have formerly been taken up with violence out of doors. I know that what is called the charter has given rise to a great deal of misapprehension; but what has become of the violence of the chartists? Even now it has passed away, and men are taking the lead who are utterly incapable of involving themselves in any species of violence. I have already trespassed too long on the attention of the House, and all I want to show is, that we have a case for inquiry, and to put that case as distinctly as I can. I cannot endure the thought of excluding such a multitude of people from their right of being represented. I am entitled to say, that you cannot produce the well working of the present system in its favour. Before the passing of the Reform Act we were told, that although it was true that just principles were violated, the system worked well. Worked well! How had it worked well? Let history answer; our wars, our debt, our enormous amount of taxation. These burdens were brought upon the country by well working of the old system. The Reform Act has been tried, and it has mitigated few of our evils. At this moment the refusal to allow the people to participate in the representation is alleged as the cause of the overwhelming distress which every hon. Member has admitted. Distress and misery prevail in all parts of the kingdom. The people are deprived of their inherent right to vote for representatives, and all we ask is a committee to inquire and to bring the facts distinctly before the House. When those facts have been ascertained, let the House decide whether it is preferable to continue the system as it is, or to remedy its abuses.

Mr. *Wakley:* I cannot but feel sorry that we do not still see the right hon. Baronet (Sir J. Graham) on this side of the House. On such a question I almost expected to find him among us again. There is plenty of room for him on these benches, for his former Colleagues, I regret to say, are not here. I hardly think this a fair course. If men entertain political principles, the least we can expect of them is that they should attend in their places to support them. What are we to infer from their absence—from the absence of those who brought in and supported the Reform Act? We are placed by it in a considerable difficulty, because we are unacquainted with our own strength. Are they or are they not favourable to the proposed change? I conclude from their absence that they are not; then we must fight the battle by ourselves, and I advise hon. Gentlemen who now sit on the back benches to come forward and occupy the deserted seats. Whatever they may do, I hope that the present First Minister of the Crown will favour the House by informing it whether we may expect anything from him. We have not yet heard much from the other side, and I am sorry for it, because they are likely to hear more of this question by and by. Such discussions can scarcely be too often repeated: instead of making this a Sessional motion, we ought to make it a monthly one; and it is a suggestion I shall offer to those out of doors who are now endeavouring to agitate the public mind on the question. It cannot be too frequently brought before the House in this innocent and harmless way. Is it not curious to observe the present state of the House? Here is a subject that occupies and agitates the minds of millions: they are looking forward with intense anxiety to the issue of this debate, and yet we see here little better than empty benches. Hon. Members do not seem to be at all aware of what is passing in society on this subject, and it is but too plain and palpable that they do not represent the people. Considering what is the theory of the constitution, it is really painful to reflect what is the practice of Parliament. In theory we hold that every man is represented, and what is the practice? Is the conduct of the House in accordance with public opinion? To this question a universal negative must be given. Our proceedings are adverse to the feelings and wishes of the people. If our measures were founded in justice, would the people so often approach this House with petitions and complaints? The people think our course of legislation oppressive and injurious, and those here who sympathise with the people demand a change. How long is the present state of things to continue? It is admitted that the Reform Act has been a failure; it was expected that after it was passed, popular opinion and sentiment would be reflected here. It is not reflected, and I maintain that an alteration is necessary, and that no good can be effected for the people until they are fully and fairly represented here. The motion of my hon. Friend has been so prudently and carefully framed, that any Member who wishes for any degree of improvement in the present system cannot be justified in resisting it; and if a committee be appointed, we can there discuss and decide any objections that may be urged. My hon. Friend the Member for Coventry gave a sort of tabular view of the state of the representation: the hon. and learned Member for Cork did the same, and let me ask, is the House prepared to justify that state? Can it justify the preposterous disproportion, that a borough, like Harwich, should be able to neutralize and set at nought the West Riding of Yorkshire, with its million of inhabitants? What then is to be the issue? How long will this House persist in opposing the just demands of the nation? You condemn violence, and when people out of doors make intemperate speeches, you say we ought to resist, because English gentlemen ought not to yield upon intimidation. Now everybody is peaceable; the gentleman who has got up the present agitation is a Member of the Society of Friends, and one of the least violent of human beings. He reprobates upon principle all contention and outrage; yet now you treat the people as if they had manifested every species of violence, and threatened even the House itself. So that when the people are violent, you answer them "No," and when they are peaceable, you answer them "No," also. "No, no," is the reply to every claim for improvement, even where you yourselves cannot deny the existence of abuse. My belief is, that the result will be, that you will not yield until you are afraid: you must be frightened into concession after all, that is my persuasion you will do nothing until you apprehend the consequences of refusal. But ought legislation to proceed under the impression of fear! The people assert that they are oppressed by class-legislation; that you look to your own interests and not to theirs; that you are deaf to their appeals regardless of their miseries; that you only, regard your own property and have no respect for their feelings. Therefore they require a change, and you tell them "you shall not have it." I say that it is only a question of time—that the people sooner or later will have it, and I say so from what I know and have seen of the people. You fancy that you are contending against ignorance—nay, that the people are indifferent, and are only roused by agitators. I assure you that you are deceived, and that you are sleeping on a volcano. The people are not ignorant, are not indifferent, and they trace their grievances to your class-legislation. What has happened here within the last twenty-four hours?—and a fact of this kind is worth all history. I maintain, on the authority of every constitutional writer since the revolution of 1688, that a man from whose pocket you take money, and who is not represented, is a slave, and nothing but a slave. Now, what is the case to which I allude. A question is brought before us involving the presumed rights of one rich man, and the declared rights of 500 poor ones with respect to a certain enclosure. The rich man says, "Give me an officer and your authority to dispossess these 500 intruders—to rase their buildings and to turn them out into the highway desolate and destitute." What is your determination? By 111 to 30 you decide in favour of the one rich man, and against the 500 poor ones. You determine that you will not even look at the evidence in the case. This is only a specimen to show that this House does not represent the people. This is not doing justice: this is not securing respect for the Legislature; and what answer can be made to such a charge? I am not aware of any, or if any, it must be most inconclusive and unsatisfactory—I do not wish to enter into all the points embraced by the motion, but I may state that I am for a wide extension of the suffrage: I am for the ballot—I am for electoral districts. I am also for shortening the duration of Parliament, though I doubt whether annual Parliaments will work as well as triennal Parliaments. That, however, is a question for future consideration and decision. But we are told by the right hon. Baronet, what surely no man can believe, that we shall endanger the monarchy by extending the suffrage. What! endanger the monarchy by giving contentment to the people? I thought that the best security for the monarchy was the happiness of the nation; but it seems that that is a mere idle fancy—a foolish notion. According to the right hon. Baronet the best security for the monarchy is the discontent of the people. What a libel upon monarchy? If you want to make the people love the monarchy, show them that it is the source of equal justice, and let me add, that there is no security for the rich man like having the people duly and fairly represented here. If poor men were allowed to send their representatives, those representatives might convince them of the difficulties of legislation, and might show them the impossibility of rendering all classes prosperous and happy. But you do not allow them the means of information; you keep them ignorant, and then make their ignorance an excuse for exclusion. Thus you rouse a feeling against the House and endanger all our institutions. Let not hon. Members "lay the flattering unction to their souls" that the people will long consent to be taxed without being represented, and upon this point let me quote the words of Lord Camden, on the 22d of January, 1776, on a motion respecting the Stamp Repeal Act.

> "My position is this (said his Lordship), and I will repeat and maintain it to my last hour, that taxation and representation are inseparable. This position is founded upon the law of nature—it is more—it is in itself an eternal law of nature; for whatever is a man's own is absolutely his own, and no one has a right to take it from him without his consent. Whoever attempts to do it commits an injury, whoever does do it commits a robbery."

Can that language be disputed? If it be admitted, and who can deny it, how can this House refuse to consent to this motion for a committee? Millions are unrepresented in this assembly: they ask for a voice here: a voice they must have, and a voice that will be heard. What is your answer? That they shall have no voice. How long will you be able to say so, with the people claiming to be heard, supported by Lord Camden, who declares that taxation and representation must go hand in hand, and that to attempt to deprive a man of his property without his consent is an injury, and to do it a robbery.

Mr. *R. Yorke* said, that danger to the monarchy was much more likely to arise out of a refusal to consider the claims of the unrepresented, than out of the consent of the House to inquire temperately by means of a committee into the justice of the case. The late election had come most opportunely to their assistance in the present discussion. Fifty or sixty seats were sought to be obtained in consequence of charges of bribery and corruption most disgusting to the individuals and to the moral state of the country. Even last week some circumstances had transpired which required especial notice. An election committee had sat upon the Sudbury election, and they had unanimously reported not only that the last election was bad, and the conduct pursued infamous, but that the place itself was wholly unworthy of being represented, and they therefore unanimously recommended that it should be disfranchised. That was what took place under the present system. Then, there was even now a committee sitting to try the return for the borough of Ipswich, and what were the circumstances reported that very day? Two individuals had been committed to Newgate for perjury, and three who had voted were admitted and acknowledged knaves, rogues, and vagabonds. That also was the present system. Was that system perfect? With reference to the different parts of the present motion, he was against the payment of Members; he would assent to the no property qualification; he had grave doubts whether annual Parliaments would have a beneficial effect, but he would do every thing to secure the people from that universal distress which followed the honest exercise of the franchise under the present system. That system was imperfect, and did no good to the masses. Seeing the motion could be productive of no harm, he would give it his cordial support.

Mr. *Protheroe* said, the object of the Reform Act was to put an end to the corrupt boroughs, and to those places in which the constituency was small, and he must say that the Reform Act had accomplished those objects. It put an end to out voters, and had given the franchise to large towns. He should be ungrateful to the very authors of his political existence if he did not praise in the highest terms the 10*l.* constituency. He knew how to distinguish the 10*l.* voters from the old electors left by the Reform Act; and he must say, that of all the constituencies he had ever known, the one he represented stood pre-eminent for purity and integrity. The chief omission in the Reform Act was, that it did not correct the corruption of the old electoral body. The proprietors of the boroughs had surrendered their privileges; but the electors of Sudbury and of other corrupt boroughs had not surrendered their claims to the privilege of 5*l.* and 10*l.* notes. When they complained, therefore, of the want of integrity in that House, he thought it would be as well if they spoke plainly, and complained of the state of the electoral body of this country. He would ask if any Member went down to any of the old boroughs or cities with an intention of paying no more than the legal expenses, whether he would have the least chance of success? The great evil which existed was the corruption of the electors themselves. The Reform Act retained the freemen in boroughs, and although, from their general character, their extinction would do good, yet there was a portion of that body—those who acquired the franchise by apprenticeship — which was worthy of continuance. It seemed to him desirable in any new reform to associate with present right, derived from property, some industrial right. He was not one who thought that the right of voting should be given to every adult in the kingdom. Indeed, the only one of the propositions mooted by the hon. Member, to which he would give his assent, was the ballot. He was not aware that it was desirable to equalize the electoral districts, without remodelling the whole state of the country; and as to the non-qualification of Members, he had no objection, for he was satisfied that scarcely any Member would be returned without possessing a qualification. As to the payment of Members by the people, there was that aristocratic feeling in the country which would cause the return of Members who would disdain to receive the pay. With regard to annual Parliaments, he thought they would cause great confusion, and a destruction of the real representation of the people. To annual Parliaments he was decidedly opposed. With these objections to the hon. Gentleman's motion, and taking it only as an indication of an opinion in favour of a further reform, he would give it his hearty support.

Mr. *Bernal* (Weymouth) said, that as he intended to support the present motion, he thought it necessary to guard himself against any misrepresentation. Of all things he abhorred and detested, he above all abhorred and detested any unjust mode of obtaining a temporary popularity; and he would be the last man who would support the motion of the hon. Member for Rochdale, or of any other hon. Member, merely to catch the fleeting straws of a passing popularity. With some hon. Gentlemen whom he could not call his political *enemies*, but who were his political opponents, it might be unpopular to declare that the present state of the representation of this country was anything but a perfect system. He was sure, however, that no hon. Gentleman whom he was now addressing, if he conversed with him in private, would declare that the present system was perfect, or anything approaching to perfection. He did not wish to accuse any one of general inconsistency, but his right hon. Friend (Sir James Graham), along with many others who supported the Reform Bill and the general measures incidental to that bill, could not have thought that at the time they were advocating the bill they were pledged to the doctrine of finality. He at that time, in the situation he had the honour of filling (Chairman of committees), had little to do with those discussions, but he was free to confess that he had never looked upon it as a final measure, or as founded on any principle which had a tendency, or was conducive to, finality. How could it be final? How could it be presumed in a country like Great Britain that in any legislation, they had approached to something like terrestrial perfection, from which they could neither advance or recede? His right hon. Friend would allow him also to say, that in his opinion the bill had failed to fulfil the designs of its promoters. He believed that the constituencies had never been steeped in greater corruption, or wallowed in more degrading mire, than since the passing of the Reform Bill. He knew that the balance of parties had been small; he was aware that great temptations had been given thereby to the practice of corruption, and that great inducements were held out to the people; where the balance was small, the interest was large, and each party had to resort to means which were unworthy of any party. That was the real truth. He did not believe that the people of England were alive to the situation in which they were placed; he did not believe that they were completely alive to their political rights. He thought, indeed, that the Parliament was somewhat before the people. He was afraid that until they had a greater spread of education among the great body of the people, they would not be deeply sensible of their political rights, and of the importance of their due exercise. He was afraid that a great part of the electoral body were ignorant of the importance of those rights, and that when called upon to exercise them, they did not act according to their consciences, in the mode which was just and beneficial to all classes. This was plain language; but it was the plain language of truth. And when the hon. Member for Rochdale brought forward a motion to declare that a further reform was necessary, was he, professing these opinions, to walk out of the House, or avoid voting, because he did not go the whole length of the Charter? He was not prepared to declare that parliaments should be annual; he was not prepared to extend the franchise to the whole male population; but at the same time he was not prepared to say that the present system was so perfect that it was not accessible to any improvement, or that they were running so smoothly along the macadamized road of accomplished legislation, that all was proceeding with ease and safety; or that, if they attempted to make it more perfect, they would endanger the safety of the monarchy. There was something aristocratic in the feelings of the people of this country; there was an aristocracy in St. Giles's, as well as in St. James's, and he was sure that the right hon. Baronet the Member for Dorchester need not entertain any fear that an improvement in the franchise would endanger the monarchy or the aristocracy of this kingdom. Although he was not prepared to go the length of the hon. Member for Rochdale, or to open the door to the advocates of the Charter, he would ask the right hon. Baronet (Sir R. Peel) himself, in all candour and fairness, whether he believed that the present system was not capable of the least improvement? He was sure that the right hon. Baronet would not advocate the immorality, the bribery, and the perjury of the present system, or all the crimes to which the bribery and perjury gave rise. He could not shut his eyes to the fact. No man could shut his eyes to the fact. No one who went to a popular election could do otherwise than lament the scenes which passed. How were they to avoid these scenes? How were they to procure an efficient representation? Were they to go on quietly on all fours with the present system? Were they to sit quietly under the evils arising from it? Were they to take the Reform Bill as a final measure, and not go one step further? Others might close their eyes to the evils of the present system. He could not close his eyes. He knew the disadvantages and dangers. Every one impartially appealed to, must confess them. He was not one who would take a leap in the dark; but considering the present state of things he was willing to support any safe and practicable measure. When the right hon. Gentleman (Sir J. Graham) said that the Reform Bill took property as a test of representation, and not numerical power, he must say that the argument had been used, but he conceived that his noble Friend who introduced that measure was not prepared to say that numerical power was not also to form a test of representation. He must say also that it was not impossible to blend the two principles together. The question of blending property and numerical power would force itself upon the attention of Parliament, and he would ask whether it would not be better to grant the consideration of it now with good will, rather than wait for the use of threats, when true grace would be no longer acknowledged, and when the concession would be attributed neither to grace or political sagacity. All he wished in the few observations he addressed to the House was to guard himself against misrepresentation. He was neither a leveller, or an inconsiderate reformer; but he had reflected seriously on the many circumstances which would grow out of the motion of the hon. Member for Rochdale, and he thought it better not to absent himself from the House. These were his sentiments, and he supported the motion, neither courting popularity on the one hand, or disgraceful evasion and delusion on the other.

Sir *John Easthope* wished to explain the vote he was about to give, because most of the hon. Members on that (the Opposition) side of the House, who had already spoken, had signified their intention of supporting the motion of the hon. Member for Rochdale, but each had at the same time stated that he differed in some particulars from the motion as it was presented to the House. He thought it fair to deal with the question in a plain and straightforward way. He did not agree in, and he could not vote for, the charter. He therefore did not wish to be misunderstood, or to avoid a declaration of his opinion. He would upon every occasion support the ballot; he was quite prepared to give protection in the exercise of the franchise: he was willing also to vote for dispensing with all other qualification than the free choice of the constituent body, but he did feel a decided objection to the adoption of universal suffrage and to annual Parliaments. With regard to the payment of Members, he did not feel any strong hostility to that proposition, but he was sure it would be a long time before such a measure was forced upon them. The present system was very widely opposed to such a plan; and the system thus opposed to it was in its most objectionable parts strongly supported by many who clamoured the most loudly for the charter. In reference to the division of the country into electoral districts, if there were a distinct proposition before the House to submit that question to a select committee, with the view of inquiring how far any practical plan could be devised, he would vote for such an inquiry; but he was not prepared to support a general and indefinite plan proposed without any inquiry. In its present form he could not assent to the present motion: for he would ask whether a committee of the whole House, even for the purpose of inquiry and to procure evidence, was a mode by which the House could obtain any information for its guidance in practical legislation? He looked upon the motion as nothing but the charter insidiously enunciated. He felt that the subject was of so grave and so important a character, that he wished to deal with it in the plainest manner. He could not take any step to advance propositions which he was determined to resist, although the resolution might embrace points in which he agreed. He did not think it respectful to his constituents, or just to the public, to support that from which he mainly differed, because mixed up with propositions in which he agreed. When his hon. Friend the Member for Sheffield (Mr. Ward) brought forward his motion for the ballot, he would give it a cordial support, but he could not vote for propositions from which he dissented, nor in favour of a committee of the whole House, which was known to every Member of the House to be a form which could not afford useful information or the slightest prospect of any practical result. Therefore it was that he felt bound not to give his vote for the motion of the hon. Member for Rochdale.

Sir *Charles Napier*, as the representative of the great metropolitan borough of Marylebone, and as having promised to support an extension of the suffrage and the vote by ballot, would support the present motion. And indeed he had received a mandate from several of his constituents to come down to the House and vote for it. It was not his intention to support annual Parliaments or universal suffrage, but he should certainly give his support to the hon. Member for Rochdale's motion for a committee. With regard to the no property qualification, he would vote for it, although he thought that in practice it would be comparatively useless. As to payment of Members, if his constituents would give him a well-furnished house in Portman-square, and keep him one or two clerks to attend to his papers, he would be very much obliged to them; but he did not see why the country should give houses to representatives when the constituencies did not think proper to provide them. Looking at the position of parties in that House, he thought there was some need of an improved representation. The right hon. Baronet, like an excellent tactician, had fought those on the Opposition side of the House, and with the Members on his own side had carried the Income-tax; but, now he had the tariff to carry, he would use the Opposition to fight the other side. And although he had opposed the right hon. Baronet on the Corn-laws and the Income-tax, yet if the Income-tax were qualified in committee, he would give it his support; and he would, for his part, vote for every item of the tariff. They had a further proof of the state of the representation, the other night, when the committee reported that Sudbury ought to be disfranchised. He hoped that it would be disfranchised, and that the House would even go further, and punish the people who gave the bribes, as well as those who received them, or the borough itself.

Mr. *Villiers* said, he should have been willing to have recorded a silent vote in favour of the very moderate motion of his hon. Friend the Member for Rochdale, would other hon. Gentlemen who had spoken, have allowed him to do so; but they had refused to allow the hon. Member to explain his own motion as expressed in his own language, and have imputed intentions, and placed constructions on it, that imposes upon others the necessity of explaining their views in the vote that they gave. He intended to do on this occasion what he had done on every other since he had had a seat—namely, to vote for an inquiry into a grievance alleged by the people to exist, and the existence of which, indeed, was not disputed by any body. What was the motion of the hon. Member for Rochdale? He asked them to consider a grievous evil of which the great body of the people complained, and that the House did not deny; but hon. Gentlemen had chosen to say that he meant more, or, as the right hon. Baronet the Member for Dorchester had done, not denying to the full all that was said to result from the manner in which the representation was constituted in this country—not denying that it was a grievance that ought to be remedied—but saying, "grievous as it was, there was something much more so, that would of necessity spring out of the remedy proposed, of placing the representation on a wider basis,—namely, that it would destroy the aristocracy and the monarchy, and that all that take a step in applying this remedy to the evils which are admitted, will be parties to such a revolution." Now, whether this statement was true or not, he begged to say, that it was too late in the day for the right hon. Gentleman to talk of that. This was what the right hon. Baronet was told himself, this was what was told him and his Colleagues, when they were attempting to reform the old Parliament, and this is language which the right hon. Baronet and his noble Friend who sits by him disregarded, and are now precluded from using. It might be well, perhaps, for the right hon. Baronet the Member for

Tamworth to use such language now, for it was the same as he had used it before; but his right hon. Colleagues were warned of what they were about when they laid their hands on the old constitution, and presumed to construct one of their own invention. They disregarded what was said at that time, which was, that the old House of Commons, imperfect as it was when referred to any principle, yet had endured for a vast time, and rested then as did the other branches of the constitution, on prescription; and that, if they disturbed that, and sought to reform it on any principle, that they must abide by the result of their experiment, and that the people would judge it by the mode in which their principle had been carried out; that they would be open to claims for further change if the evils they sought to remove remained, and open to the charge of injustice or inconsistency if they recognised a principle that they did not apply. The argument of hon. Gentlemen opposed to the Reform Bill was, that it was dangerous to the constitution; that, however deficient in theory, it had altogether worked well in practice; and that it was not wise to enter into any experiment for its improvement. There was something intelligible in that, whether it was true or not. But "no," said the right hon. Baronet (Sir James Graham) and the noble Lord (Lord Stanley) opposite, "we say that the constitution works ill, the representation is not the representation of the people, bad laws are passed, and the popular interests of the community at large are overlooked in consequence; upon that ground we will reform the constitution, and we will make representation co-equal with taxation." [Sir *J. Graham:* "No!"] Why, that was the ground on which the Reform Bill was recommended by many persons who spoke for it. The principle of the Reform Bill was, that taxation and representation should go together, according as it was said to the old principle of the constitution, and authorities for this doctrine were constantly quoted. The right hon. Baronet and his Conservative friends might, with some consistency, resist change now as they did before, opposed as they were to all reform; but no man who was a party to that Reform Bill, or who came into public life as a reformer, and who found the old constitution of this House abandoned, and a new one, after trial, generally said to have failed, had a right to reproach a Member who moved, or Members who supported him, in moving for an enquiry into the grounds on which it was so considered to have failed, with the view, if possible, to devise a remedy for the evils that were proved. No; the promoters of the Reform Bill had no pretext for binding men to their experiments if they fail. They had thrown away that ground of prescription which many men, from experience of human institutions, were willing to occupy. They had disregarded the warnings which timid and conservative men had offered them, that if their expectations of their panacea were found to fail, they could not resist a further experiment upon their own principle, and that motions would be made to that effect; and they have no reason to complain of men who, following them, and finding a principle in the mouths of the people such as they had recognised and professed to apply to the old constitution—namely, that men who were taxed were entitled to be represented; and seeing that it was not acted on but in the most limited degree, and further seeing every evil pointed out in the last system in full force under the present. They had, he said, no right to quarrel with men who, in the spirit of the hon. Member's motion, thought that an inquiry or consideration should be given to the case, and determine whether any remedy, or the remedy which the people imagined would remove the evil, should be applied. He could, as he said, understand the Conservative party refusing all reform, and indeed, notwithstanding all that had been said against his noble Friend, the Member for London, he could understand his not hastily giving up the hope that the bill which he introduced would be found, at least for the present, an efficient cure for the evils for which it was proposed. He trusted, that his noble Friend, though not there to answer for himself, was not less open to conviction than other men; and when he saw, after ten years experience, that evils did exist, without a hope of their removal, that he would not refuse to attend to evidence which might be offered for accomplishing that object. He was one, then, that had to consider this motion in the absence of all those arguments that were used against reform before, with a general admission of the enormous evils incident to the present electoral system, and with a prevailing feeling, among those who had not the franchise, that their feelings, interests, and opinions were misrepresented in that House; and he was not to be told, that he was not to take the subject into his consideration, because it might lead to consequences which he would not approve. That was reasoning to which he could not yield, he could not do so consistently with the avowal of being a Reformer, or could he refuse to do what was right, because somebody thought that some evil might result from it. But they were told, the remedy proposed was to extend the suffrage, and that was objectionable, as the people were wholly unfit to exercise their judgment on political subjects. If they were so, however, why were they always appealing to the people's judgment? And why were they proud on the other side when they had it in their favour? And why are they taunting them on that side with not having it? Why, the other night, forsooth, a Member professed in this House to bring a message to the right hon. Baronet from the working classes; and the right hon. Baronet seemed pleased with it, and those around him cheered it, as if it was conclusive in favour of the Income-tax. Night after night they heard the sentiments of the working classes quoted by Members on both sides of the House; in fact, it was a dispute sometimes which had the working class with them. What, then, was this but professing at least to think it was no unreasonable thing for the working men to give their opinion on political subjects? It seemed, then, that they were told at one time that they ought to be represented, because they were taxed, and at another, that they ought to be consulted because their opinion was worth having; and yet if an hon. Member proposed to take the claim that they make to be represented, and to exercise a legitimate influence in this House into consideration (for that was all), it was, forsooth, to upset the monarchy, and destroy the constitution. That was the argument of the right hon. Member for Dorchester; and then, said his hon. Friend, the Member for Leicester, "You must not vote for inquiry, because the persons calling for it ask for the five points of the Charter." Why, if he were to admit reasoning of this kind, he should be the most inconsistent being in the world, seeing that this was the argument that has been used over and over again against himself when he had moved for inquiry into the Corn-law. People who wished to maintain the Corn-law had said, "Oh, I can't vote for inquiry, because the mover would do away with all Corn-laws if he could." But was this an argument used by anybody who wished to deal fairly with the question; and was it not the case that everybody who desired to see any improvement in the law, voted for the committee to consider the existing state of the law. And why should not the same thing be done here? For himself, he would give no opinion upon the particular remedies mentioned in the petitions, they were subjects for separate discussion and consideration; and he should now only vote for recognising the evils connected with the representation, for considering the remedy proposed; and he could not conceive that any intelligible ground could be assigned by any person in this free country, where people at least were allowed to consider their grievances, for doing otherwise, or refusing the reasonable proposal of the hon. Member for Rochdale.

Sir *Robert Peel:* The hon. Gentleman stated, and no doubt truly, that a petition signed by a numerous body of men, couched in moderate and respectful language, has been presented to this House, and I should be most unwilling, however decidedly opposed I may be to the prayer of that petition, to take any course which should argue a disregard or indifference towards that petition. I am happy, also, to give credit to the hon. Gentleman, from my observation of his conduct, for the integrity and purity of his motives, and as he has made an address to the House in language which has been justly described as temperate and moderate, I should be sorry to treat with disregard a motion made individually by him, and, therefore, I shall proceed, rather than content myself with a silent vote upon this occasion, to state very shortly the grounds on which I must offer my most decided opposition to this motion. And if I do not speak at any great length, it is because I have heard the warning speech of the hon. Member for Finsbury, who says, that we may expect a renewal of the discussion upon this subject every month. The present motion is a peculiar one; it calls upon the House to go into committee for the purpose of considering the various questions of the vote by ballot, of annual Parliaments, of extension of the suffrage, of the equalization of election districts, of no property qualification, and of payment of Members, and the hon. Member who has last spoken, says, let us enter into the consideration of all these matters. I want to know, whether the hon. Member will go into a committee for a bill, or, as the hon. Baronet, the Member for Leicester, suggested, for the purpose of taking evidence, and maturely considering all these various subjects. If the latter is the object which is sought to be attained, considering the position of the measures already before this House—of the question of the Income-tax—of the tariff; and if the inquiry is to be conducted at the Bar of this House—I say, that that is a sufficient reason for my giving my decided opposition to the motion. I, of course, cannot account for the absence of the noble Lord, the Member for the city of London, on this occasion. I do recollect a prophecy which I made some ten years ago, when I ventured to predict, that the time would shortly arrive when the most decided opponents of the Reform Bill would be found among the foremost ranks of those who would be its warmest supporters, and that it would be my fate, at no very distant period, I will not say, to defend the Reform Bill, but to resist any attempt which might be made for any alteration in it; and I think, that the course of this debate has fully realised the opinion which I then expressed. With respect to the doctrine of that noble Lord, although I do not generally concur in his views, one of the wisest observations which I recollect to have heard him make was, that when he declared, that we cannot afford a revolution once in every ten years, and that he was determined to resist these continued efforts to supersede that change which was effected in our constitution by the Reform Act. The grounds on which I am called upon to assent to this motion, are those of prophecy, of a compliance with the wishes of the people, and of argument. With regard to that part of the subject which relates to prophecy, I must be permitted to make a remark. When the Reform Bill was under discussion, it was said to be universally satisfactory, and the demand was that it should pass unaltered, that we should have "the bill, the whole bill, and nothing but the bill"—it was to be a sort of second-rate charter of the liberties of the people; and it was represented, that from that time, the working classes were to be satisfied with the good government which was to arise under the new system of Parliamentary representation, I can recollect all these predictions with respect to that last and final reform, and at least I am justified in not placing too great confidence in the predictions which I now hear, that this is to be the real opportunity upon which a decisive and final change is to be made. I do not think, that the Reform Bill is chargeable with those difficulties and evils sought to be imputed to it, but of this I am certain, and my opinion is strengthened by this night's debate, that if the majority of you had your own way, ten years hence this new measure would be again and equally changed. And I will prove it to you. It is clear, that the majority of those hon. Members who will vote for the motion of the hon. Member for Rochdale, are advocates for half of his propositions; it is clear, that if that majority could prevail, this would be the measure which would be the result—there would be some extension of the suffrage—there would be triennial Parliaments—and the proposal for the payment of Members would be rejected. [An hon. *Member:* Vote by ballot.] Yes, you shall have the full benefit of that measure; for I believe, that you are unanimous upon that point. Now, first as to an extension of the suffrage. The hon. Member for Sheffield, who is the leader of the Opposition for the night, says, "I am for an extension of the suffrage, but still it must be connected with property." He, therefore, is against a general extension of the suffrage. But, then, there is the right hon. and learned Member for Cork, who says, that there is the master-class and the slave-class in this country, and that the slave-class consists of those who are taxed, but are not represented. He says more—he says, that every man who has been subjected to direct or indirect taxation, and who has not a right to vote for the return of a Member of Parliament, is in the condition of a slave, and that if you take his property without his consent, you are guilty of spoliation and robbery. The principle, therefore, which the hon. and learned Member has laid down, is, that you shall make representation co-equal with taxation, and that is the only principle which I have heard announced in the course of this debate. The other questions are questions of degree, but the only principle which I have heard laid down to-night, and for which I have a guarantee, is this—that representation should be co-equal with taxation—and not only with direct taxation, but with indirect taxation also. But how does this apply? It is to be observed, first, that there was no reservation made with respect to the female sex. The principles of nature must apply, and it is said that the laws of nature and the dictates of providence declare to you, that no person who is not represented shall be taxed. If any distinction should be drawn, the reservation should have been made and it should have been said distinctly, that you were speaking of the male population only. But taking the female sex as an exception, it was quite clear, that taking the broad principle laid down, it must be taken to apply to every male adult of the age of eighteen, no matter what his education; there is not a man who is not subject to taxation, directly or indirectly, and if you subject a male person at the age of eighteen to the militia laws, and at that age make him bear the burdens of the state, it is to be presumed that the laws of nature, and the dictates of Providence say, that you shall further give him the franchise. Nothing appears to me to be more in conformity with the laws of nature than this proposition, and, therefore, every man above the age of eighteen, be he a beggar or not. ["No, no."] Oh! I beg your pardon, beggars are subject to indirect taxation, as well as every other consumer of the articles of subsistence. I dare say you have many qualifications of your principle when you come to look into it, but I am speaking of the great principles which you lay down, and which are grounded upon the laws of nature—of that principle which is laid down by Lord Camden, that it is spoliation and robbery to take anything from a man against his own consent. If that is true, why should there be any delegation at all—how can you defend your system of representation at all? What is that system of representation? Is it not merely a conventional arrangement which gives you the power of making proper arrangements for the conduct of the business of the State? Is not that conventional arrangement for your own advantage when it entitles you to tell a man "I discredit your opinion, but I give you a representative to express your views and opinions?" "Yes, but," says he, "he votes against my views, and I have put my opinion on record by voting against him; and, in spite of my position, you make me pay without my taking any part in the determination of the taxes to be imposed." But you draw a distinction between the master and the slave. But I ask you on what principle it is that you draw that distinction, and what is your hope that the new law which you propose will have any longer continuance than that which you have already in existence, and which you propose to change? And, I say, that I doubt very much whether the bill which you are about to pass.—["*Cheers from the Opposition.*"] I am glad to see that you are already convinced that no such measure could pass as you propose, and that, in the honesty of your nature, you despair of passing your proposition into a law. [Mr. *Ward:* It was the possibility of the proposition being adopted as you suggested which was cheered.] But that is the first point with regard to your new representative system, and I will say no more upon that subject; but I will come to the second question of the expediency of establishing triennial parliaments. More shabby arguments in favour of any proposition than have been advanced upon this subject I never heard in the whole course of my life. Says the hon. and learned Member for Cork, "I am in favour of triennial parliaments, because, I recollect the circumstances out of which the Septennial Act arose." Why, a worse argument I never heard. It is an argument resting entirely on an historical event connected with a previous circumstance, not having any reference to the matter under discussion. And what says the hon. Member for Bolton (Dr. Bowring? He says that triennial Parliaments are contrary to the course of nature; because, he says, the earth makes its revolution round the sun in the course of the year—his words were, I think, "the great planetary system makes a revolution round the great luminary," and there was something of bathos in what followed; "and," said he, "the merchant also settles his accounts annually, and, therefore, on this double ground, astronomical and mercantile, the annual revolution of the Copernican system, and the practice of discreet merchants, there is conclusive reason why Parliaments should be annual only." I must say, that I think he has much the best of the argument; for there is something in the law of nature in favour of it; but when it comes to an agitation in favour of triennial Parliaments, I think that these new astronomical principles of his will not succeed in shaking the opinion of the House. Then I come to the payment of Members, and the proposition which has this for his object has been unanimously scouted by hon. Gentlemen opposite, while to my mind it is the most practicable of them all. What says the hon. and gallant Member for Marylebone? He says, "If my constituents provided me with a well-furnished house in Portman-square, and with a couple of clerks to keep my papers in order, I should be very glad to accept it, but it would be monstrous for me to burden the country by accepting such a provision from it." But a poor man would say, "I want not only to be represented, but I want also to be in the House of Commons amongst the landowners and others who sit in that House, and to assert my opinions; I do not want such men as are there to vote for me, as representing my views, for they cannot entertain or express my opinions. Enable my fellow-workmen to elect me, so that I may advocate their sentiments and those whose interests are immediately connected with my own. You tell me that virtual representation is an absurdity; well, then, enable me to take my place in the House of Commons. But I cannot do so if you subject me to the expense of living in London. If you tell me that I must give up my shuttle, or my spade, and that I must come to London, you oppose a bar to the fulfilment of your object, and therefore what I ask is, not that Members may be paid—not that men of affluence and wealth shall receive payment—but that those who cannot afford to give up their daily avocation for the purpose of representing the feelings and wishes of their fellow-countrymen, who have a community of interest with them, may receive a moderate and remunerative compensation, such as shall enable them to discharge the trust imposed upon them." I confess that this appears to me to be of all the ingredients of this motion—though I do not agree with any one of them—that which is the least objectionable, nay the most ornamental; but I ask you whether, in ten years hence, if it be my fate to be then in Parliament, it is not extremely likely that I should have much more difficulty in defending the new law which you now propose, supposing it ahould be adopted, than I now have in maintaining that inviolate which ten years ago was carried? And I want to show that so far as argument and reason go, your proposition is without any foundation whatever. I have shown not that the predictions of what would be the result of the Reform Bill have been falsified, but that my anticipations have proved correct; and that, so far as your reasons go, a most unstable foundation is afforded for your new system of representation. I have shown you the inexpediency of making a distinction between what was called the master and slave classes—of adopting annual or triennial Parliaments, and that if you reject the proposition for payment of Members from your plans, you exclude from Parliament those who would be its chief ornaments, and who would best represent the feelings of the people. It is upon these grounds that I oppose the motion. But if you say that you make this proposition in favour of the expressed wishes of the people, I say that it is opposed to those wishes. What are those wishes as they have been expressed? You allege in this motion that the people represent that,—

> "Under the present system of election laws, they are not duly represented; and that they are thus deprived of the acknowledged right of freemen to have a voice in making of the laws by which they are governed, and in imposing the taxes which they are required to pay, and therefore praying, that the right of voting may be extended to the adult male population of the realm, subject to no limitations or restrictions, but such as may be necessary for the safe and correct practical exercise of the right itself; that votes shall be taken by ballot; that election districts should be equalised to accord with the number of votes."

Now if I were to divide this country, and also Scotland and Ireland, into districts, taking them according to the number of electors therein, and to give to each district a right to return a Member of this House, that would be creating nothing but a great number of pure nominations. I should say that the result of any such division would be most probably to increase that corruption which you say has increased in proportion as you have enlarged the franchise, and to give an increased influence to landed property rather than to any other body. The motion then goes on to intimate the desire of the people,—

> "That no qualification should be demanded from members but that of being duly elected by a majority of votes; that representatives should be paid for their services at the public expence; and that elections should be annual."

These are the wishes of the people of this country; and the hon. Member for Coventry says that the expediency of their adoption of these changes is agreed upon—that the difficulty is as to the means by which they are to be carried out. [Mr. *W. Williams*: I said that the necessity of a change was agreed upon.] No; I beg your pardon. You said that, as to the measures to be asked for, you were agreed, and therefore I say that the object of hon. Members is not to carry out the intentions of the people; for, while they put those wishes in the foreground, yet you will not permit that more than half of the measures which they desire should be accorded to them. Therefore I agree with the hon. Baronet the Member for Leicester, that it would be a mere delusion to go into this committee, and that nothing but disapprobation would arise if you put forward this as your motion, and yet afterwards "curtailed it of its fair proportions" by one half of the propositions advanced in it. On these grounds, therefore, not believing that the representative system is surrounded by all those faults which I have heard imputed to it; believing, at the same time, that it is not free from defects—alarmed by your statements now that the measure of reform has produced more of evil than existed previously, I certainly do hear with anxiety and distrust the new proposition which you make. If you ask me what I believe would be most likely to give satisfaction to the people of this country, I should say that it would be to ameliorate their condition, which you will do if you support the Income-tax and tariff. They participate with you in feeling that the national honour should be sustained, and that the national faith should be maintained. They will recognise on your part a sympathy with them, if you will place on the affluent the burden, under existing circumstances, of supplying the means of supporting public credit; and if you will at the same time adopt, as I am very confident you will ultimately adopt, those measures which I have proposed—to which I have alluded—to which I feel sure that I shall secure the assent of my hon. Friends behind me. It is not from an expectation of conciliating the support of my hon. Friends that I make that observation, I beg to assure the hon. Member; or because I intend to vary from the main principles which I have already laid down, but from a confident hope that I shall be able to show, not that I shall not reduce the price of the articles of subsistence, but the reduction of those prices will be for the interest of all classes. And I do firmly believe, that if, without greater delay than is absolutely necessary for the consideration of this subject, you will look with favour to the propositions which I have made, I have a confident satisfaction that you will give conclusive evidence to the great mass of the people of this country that you are desirous of promoting their comforts and their interests, which will do more to dispense with the necessity of a motion of this kind for disturbing the constitution of the country and altering the representative system, than if by the unanimous support of this House the hon. Gentleman was entitled to carry this proposition according to his own opinion; and, in my opinion, the satisfaction which would result from such a course would be infinitely greater than any which could proceed from the legislative adoption of such a measure as that which is suggested. If you complain of the absence of the noble Lord, the Leader of your party, let me advise you, that you, as if you were convinced that on the whole my financial and commercial propositions are wise ones, to-morrow night return the compliment by staying away from the discussion of his proposals upon that subject. That is to say, if, on the whole, like the hon. and eloquent Member for Northampton (Mr. R. Currie), you think that in the present state of this country there are measures which there is good reason for passing, you will listen to them with favour; and then I ask you to stay away, or at all events, not to lend yourselves to any party combinations in opposition to them.

Mr. *Muntz* said, that having voted with the right hon. Baronet the other evening, he supposed that the right hon. Baronet would not wish him to stay away to-morrow night. He had been one of those who had taken an active part in endeavouring to obtain reform in Parliament, and he thought that the right hon. Baronet could not complain of the exertions which he, in company with others, had asked for the whole bill. He appealed to the right hon. Baronet the Member for Dorchester, and also to the right hon. Baronet who had last spoken, whether they had had the whole bill? whether the right hon. Baronet had intended that they should have a *bonâ fide* household suffrage or a 50*l*. tenant at will suffrage. He contended that we had not had the whole bill, and that if we had, the state of the country and the position of our representative system would have been entirely different from what it now was. He agreed with the right hon. Baronet, that they might do much to show their sympathies with the people. But why did the people complain? Because they had a bad representative system—because the

Reform Bill had not been properly carried out. He had felt it his duty to say these few words, and he would only now state his reasons for supporting this motion. He did not entirely agree with all the statements made in the proposition, but he did not object to payment of Members, and this upon the principle, that every man was worthy of his hire; and that, he believed, it rarely happened, that any man who undertook to do a thing without payment afforded satisfaction to his employers. With regard to annual Parliaments, he was at variance with his hon. Friends near him, and he thought three years was a duration which was quite short enough. Neither was he prepared to go the length of adopting the principle of universal suffrage. But he viewed this as a subject entitled to very serious consideration, and declared his belief, that a very considerable extension of the elective franchise was demanded, and would be advantageous both to the people and to the aristocracy. One word more to the right hon. Baronet. It was said, that coming events cast their shadows before; and there were no men more interested in watching those shadows than those who had the conduct of the Government of a great country. He thought, that the debate of this evening might be looked upon as the shadow of some event of future occurrence, and he hoped, that the right hon. Baronet would give the most serious consideration to the feelings of the people at large, in connection with the subject which had now been discussed.

Mr. *Turner* said, that he should support the motion, although he was opposed to annual Parliaments, which he was satisfied were destructive to the real interests of the country. The state of excitement in which the boroughs throughout the kingdom were during the municipal elections was a sufficient evidence of this.

Captain *Plumridge* said, although he did not go the whole length of the motion, yet he should cordially give his vote for it, on account of the last seven lines. He would not detain the House, and he had not another word to say.

Mr. *Cobden* said, that before the House came to a division it would be well, that they should understand what the motion really was, because the right hon. Baronet had managed so dexterously to mystify its real character, as to leave the very simple question for consideration involved in considerable obscurity. The House was not called upon to go to a vote upon the various points of Vote by Ballot, Universal Suffrage, and the other points contained in the terms of the motion; but the question was, whether the people had been for years petitioning this House for the charter in vain, and whether they should now go into the consideration of the questions involved in the motion, without giving any pledge to maintain any one point involved in it. The difference between the right hon. Baronet and Gentlemen on this side of the House was simply this: Gentlemen on his side of the House might differ from many points of the charter, but they were willing to consider the whole of it, and to investigate the whole question, but the right hon. Baronet declined to go into the consideration of the subject, and would not condescend to enter upon the examination of the matter. Was not this the answer which he gave to the hon. Member for Rochdale? The right hon. Baronet praised the hon. Member's candour and honesty of intention in bringing forward the motion, but on what ground did he reject it? The right hon. Baronet said, that if one portion of the motion of the hon. Member was acceded to, it would give an increased power to the landlords, and he added, that if another portion of it was adopted, that it would destroy the monarchy. Now, these principles appeared to him to be as opposite to the results that would follow as the poles. But in continuing to exclude the people from all share in the representation, would they be satisfied with the special pleading of the right hon. Baronet? Did any of the party opposite believe that they would be able to satisfy the people under their present difficulties by resorting to such arguments? The Reform Bill had now been passed ten years, but had it improved the condition of the people in any one respect? Was the physical, moral, or intellectual condition of the people better now than it was ten years ago? In point of fact, was not the intellectual condition of the people and their education a scandal to Europe? Was there not more physical suffering in this country than in the whole of Europe together? and were they to be reconciled to the continuance of their sufferings by the imposition of an Income-tax? Did the right hon. Baronet and his supporters really believe, that the people of this country were to be deluded by such assertions? They had heard a great deal in that House lately of various class interests—they had heard of the landed interest—the West-Indian interest—the timber interest, and other interests; but they had never heard one word said with respect to the labouring interest. He should vote for the motion of his hon. Friend, because he was anxious that the labourers should have a full and fair share in the representation; for, by the adoption of this principle, he thought that they would be enabled to ensure to them a better mode of living than they now enjoyed. He believed, that an improved means of subsistence could be supplied in a better manner than by the proposed tariff. If the law was put upon a proper footing, hundreds of thousands of quarters of corn would not be locked up in the warehouses of this country. He believed, that the middle classes were as much interested in carrying out this proposition as the labouring classes. The middle classes could not fight the aristocracy single-handed. The aristocracy had been playing on the feelings of the labouring classes, and had exerted themselves to prevent their joining the middle classes. The aristocracy had trampled on one class, and had plundered another. The policy which had been pursued was too apparent to be misunderstood in the House. The right hon. Baronet had intimated also, that the adoption of this proposition would be attended with danger to the aristocracy and the monarchy. The monarchy had been brought prominently forward in that discussion. Why had this been done? There was no feeling against the monarchy in this country; but he readily allowed, that there was an intense feeling of hatred existing against the aristocracy. If there was not an intense feeling of hatred existing against the aristocracy, why did you say, that it would be dangerous to give this power to the people? He could speak of the feelings of the inhabitants of the borough from which he came, and from a pretty large experience of the labouring classes. He repeated, that he firmly and conscientiously believed that the people of Stockport entertained the most intense hatred to the system under which they were governed. The people of that place saw numerous closed mills and factories, and they endured in consequence great privations, and they imputed all their evils to the system of legislation in this country. Why did the right hon. Gentleman say, that the adoption of the motion would be dangerous to the monarchy? It was too bad on the part of any one to say so, and it was extremely bad on the part of any Minister of the Crown, for it was notorious, that her Majesty was more popular than any Monarch that ever sat on the Throne of this realm. Why, he asked, mention the Sovereign at all in these debates; and, above all, as an excuse for not conceding political rights to a large mass of her subjects? He begged to remind hon. Gentlemen that this movement in favour of a great extension of the franchise was not supported merely by persons of desperate fortunes, for it had amongst its advocates some men of the highest station and intelligence and worth in the country. When such persons supported it, where, he would ask, was there any danger in considering this motion? There was, above all, one amongst them who, after having vindicated suffering humanity in other climes, and the result of whose services many of the party opposite claimed the merit of for themselves, had prominently stood forward as its advocate. [*Cries of* "Name."] He would, then, name the individual to whom he alluded—it was Joseph Sturge. He called upon several Gentlemen opposite to be consistent, and to unite with the individual whom he had just named to improve the condition of their countrymen, as they had united with him to give freedom to the Africans in the West Indies.

Mr. *Roebuck* could not allow the motion to go to a division without shortly stating the reasons which would influence him in the course which he felt it to be his duty to follow. When he looked to the political institutions of the country, he saw that a rough method had been adopted of working out the constitution. The object appeared to be to get a certain amount of intelligence in the body who were to choose the members of that House. The means by which this was to be effected was by the payment of a certain amount of money for the house which they occupied. If a man was a 10*l.* householder he was found sufficiently intelligent and virtuous, by the constitution of this country, to have a vote in the choice of the representatives of the country. This, then, was the rough method by which they attempted to gain the end sought. He would ask Gentlemen opposite, as experienced, and sagacious, and clever men, whether, in the common affairs of life they thought that this would be the best mode of getting the most intelligent and able persons for any duties which they might wish to have performed? He would ask whether, in the ordinary transactions of life, they would ask whether a man was a 10*l.* householder, or whether he was a freeholder by inheritance or purchase, or whether he held a 50*l.* holding from his landlord before they engaged with him for any purpose? Not at all. They would adjust their object by other means, and would look to qualifications of quite a different nature from those which he had just alluded to. He would ask this other question: whether there were not other means by which you could learn the degree of intelligence, virtue, and probity professed by an individual to qualify him to take part in the choice of the representatives, and thus exercise a control over the business of the Government. Gentlemen opposite would altogether exclude the labouring classes from the representative system. ["*No, no.*"] Well, then, they would almost altogether exclude him from a share in it. He would not say altogether, because he hated exaggeration, but at any rate they would exclude a large portion of the labouring classes from taking part in the election of representatives. He would ask the right hon. Baronet, who was a man of large experience in the business of legislation—he would ask him, whether there were not men as virtuous and as worthy, and of as large and perspicuous minds amongst the labouring classes as amongst the other class in the community? The right hon. Baronet nodded assent; then, he would ask, why did the constitution exclude them from having any share in the election of Members of this House? Then, he would ask, whether it was not a subject worthy of inquiry, whether the labouring classes—which it was admitted contained so many worthy and virtuous men—should not have a share in the representation? All that was asked by the motion was whether you would not consider whether the means did not exist of introducing these worthy individuals within the pale of the constitution. In the answer of the right hon. Baronet, he confessed that he did not see much to admire either in its tone or manner. He obviously did not consider it as a party motion which could shake the Tory party, but the language with which the right hon. Gentleman treated the question would go to the hearts of the people. The motion was merely for inquiry into the political system existing in this country, and made no allusion to the physical condition of the people. He would ask then the House and the country what they thought of the tone of speech adopted by the right hon. Baronet, and at the ridicule and mockery which he had thrown on the subject? It was not an occasion to excite laughter. As he had just told the right hon. Baronet, his power was not at stake on this question, but there was a trial going on which deeply involved the feelings of a large body of men. Was he so strongly bound by the chains of party that he could not consider the motion? He believed that the right hon. Baronet was ashamed of the party spirit under which he was often obliged to act, and that he would, if hon. Gentlemen allowed him,go into an inquiry. He feared, however, that the right hon. Gentleman wanted the spirit which the importance of the subject required to get rid of his party ties. It was supposed that the great interest in danger was the monopoly of political representation which was possessed by the aristocracy and the landed power. The question was, whether any danger to property would arise from conceding all that was alluded to in the present motion. Some of the party opposite might assume that there would arise some danger to property; but he contended that this was an extravagant and groundless assumption, coming from those who had the monopoly of power in their hands. The labouring classes only begged the House to inquire into the political situation in which they were placed. If the House rejected the motion, they would long recollect with painful feelings the bad jokes of the right hon. Baronet as to the revolution of the planets, and the grounds on which he had opposed this motion. He said that it was presumptuous arrogance on the part of Gentlemen opposite to assume to themselves a superiority over the labouring classes. He begged them to recollect that they did not possess the whole intelligence of the country, but that the labouring classes possessed as much intelligence and wisdom as those opposite. Therefore, under these circumstances, was it right to shut out inquiry, and to declare that the labouring classes, which were so virtuous and worthy, should be without hope? He called upon those who held the reins of power at the command of the agricultural despots of England to sanction the motion, if they wished to insure the peace and happiness of this empire.

Lord *Stanley:* Although I think that the tone and violence of the hon. and learned Gentleman will be almost a sufficient answer in the sight of the House and the country to the speech which he has just delivered, a speech certainly not very remarkable for the number of its arguments, however it may be for the number of its repetitions, and although I doubt not that my right hon. Friend is quite prepared to take the responsibility, and also that he will be proud of having the undivided credit of his able and eloquent and convincing speech; yet, standing in somewhat a different situation from my right hon. Friend, as having been one of those who were parties to the introduction of the Reform Bill, little as I thought of addressing the House this night, and nothing, I can assure you, was further from my intention, I cannot reconcile it to myself to avoid taking a portion of the responsibility of the decision which we are about to come to by giving a silent vote on the question now before the House. The hon. and learned Gentleman tells you, that by the vote you are about to give you mean to declare that all the intelligence, all the virtue, all the good feeling of the country is centred in the higher and middle classes of the community of this empire. We assert no such thing. We deny not to the humblest man in this country in any station of life the credit of fulfilling the duties of that station with honesty, virtue, and intelligence. We claim for ourselves no exclusive merit, and we deny to others none of those attributes to which they may deem themselves entitled. But if the hon. and learned Gentleman tells me, as I have heard stated by hon. Members on his side of the House, that those who supported the Reform Bill laid it down as their doctrine that every person who directly or indirectly contributed to the taxes of this empire had an inherent right, not merely to the enjoyment of the rights of citizens, or the protection of the law, but an inherent right to the exercise of the privilege of returning Members to vote in the Legislative Assembly of this country, then I venture to say that I wish I could only appeal to some of those (referring to the absence from the House of the ex-Ministers) who were with me parties to that bill. I wish upon this occasion I could but see, besides my right hon. Friend (Sir J. Graham), who cordially united with me in that measure, a Member of the Cabinet of Lord Grey who brought forward the Reform Bill, that I might ask him whether any such doctrine was broached by the advocates of that measure? I say it never was. Their doctrine was, that the right of voting for Members of Parliament was not an inherent right, but a privilege to be granted to such a class of the community as from their intelligence, station, and education, might be capable of exercising that privilege wisely and usefully, and for the benefit of the whole nation. The question agitated at the time of the Reform Bill was, whether it was wise or safe to break down existing institutions for the purpose of extending the sphere and enlarging the limits, not of that right, but of that privilege? and it was the opinion of the Government of Earl Grey that the time was come when it was safe and right to enlarge the limits, and extend the sphere—nay, more, that the time was come when it would have been unsafe not to enlarge the limits and extend the sphere of that privilege; but at no time was the question argued as an inherent right. It was a question of a great political measure—a question of high political expediency—a question of how far with reference to the existing institutions of the country the political franchise might safely be extended to the bulk of the community. And the doctrine we laid down, and which we do not shrink from defending, was, that as far as that franchise could be extended with safety to the existing institutions of the country, so far it was right, and so far it was the duty of the Ministers of the Crown to extend it. But, having laid down that doctrine, the Government of Earl Grey most anxiously and carefully considered how far in their judgment it was safe and wise to extend it. I have heard hon. Gentlemen on the other side of the House say, that no change has been effected by the Reform Act. Was it thought or contended at the time that no change would be effected? On the contrary, did not the extent of the change which it proposed create considerable alarm in the minds of many wise and prudent men? Was not the extent of the change hailed with satisfaction by a large body of the people, and was it not received as a measure of concession to public feeling? I ask any man practically to tell me, did it not affect to a large extent the influence of the Commons of this country and the affairs of this country? What! the bill which introduced into this House representatives of Manchester, Birmingham, Sheffield, Leeds—ay, and for Bath? [Mr. *Roebuck:* "No."] The hon. Gentleman says "No," but surely he will not contend that it did not obtain a representative in this House for the people of Bath? If he does, he contradicts all the arguments which were used at the time in favour of popular representation, and against that system by which ten or twelve individuals were enabled to elect a member for that city. By the Reform Bill these great towns have been admitted to a large participation in the legislative power of the country; the small and corrupt boroughs which were held in the hands of individuals, and which could be made a matter of bargain and sale, have been excluded from the representation; and to say that such a measure has exercised no influence upon the Legislature, or enlarged the power of the commonalty of this country, a measure which, on account of its extensive alterations, was at the time regarded by many as amounting to a revolution in the political history of the country, is asserting what I am convinced the country does not feel, and is not prepared to believe. I join with Lord John Russell, I join with Lord Grey's Government, I join with the Government of that day, which is not the Government of this day. I coincide with those parties in opinion, that it was expedient and wise to make the measure large at once, and I did join in making it ample and extensive, because I looked upon it as a measure on which we were to stand or fall. And although I do not advocate the finality of any measure as affecting successive generations, yet I do say, that there are in this country fourteen Gentlemen who are bound to regard the bill as an ample concession to the spirit of the time, as admitting the democratic principle to a sufficient extent, and those fourteen are the Gentlemen who composed the Cabinet of Earl Grey, and under whose sanction the Reform Act was submitted to the Parliament. Of those fourteen I am not ashamed to own that I was one, and I do not hestitate to say, that being one of them I do not and cannot approve of a motion of this sort, which, after a crude and indigested fashion, is submitted to our consideration, and which cannot have the effect of settling and establishing a system on a permanent and sure foundation, but which must rather tend to unsettle men's minds, to prejudice the security of existing arrangements, and which tells the people in so many words, that nothing is settled, nothing fixed, and that no arrangement, however well digested, is to be considered as final. But the hon. Member tells you that his motion is only a motion for inquiry. This is certainly very convenient; but what said the hon. and gallant Gentleman, the Member for Falmouth? That hon. Member told you, in a short speech, "I consent to the present motion for the sake of the last seven lines of the resolution." Well, but the last seven lines only tell you, that a complaint having been made of the limitation of the franchise, and of there not being a full and free representation of the people, it is therefore the duty of the House to take the subject into consideration. By agreeing, then, only to the last seven lines, the hon. Member excluded all the substance of the motion, and thus intimates his disagreement to its several important parts. He excludes the extension of the suffrage, he excludes the vote by ballot, he excludes the abolition of Members' qualification, he excludes the payment of representatives, he excludes the subject of annual Parliaments. All these points the hon. Member studiously excludes from his consideration when he says, "I will vote for inquiry on account of the last seven lines of the resolution, and on no other ground." But vote for inquiry! What inquiry? Is it to be an inquiry at the bar of the House? Will you summon any evidence? Will you adduce any new facts? Will you appoint a select committee of inquiry, or shall the inquiry be conducted by a committee of the whole House? What sort of an inquiry is it to be? The fact is, that the hon. Member desires no inquiry at all. He brings forward this motion not to settle the question but to unsettle it, for he must well know that he cannot bring any body of men together in this House who can agree upon any settlement in accordance with his peculiar views. If the hon. Member thinks he can settle the question, why does he not bring in a bill at once? Why does not the hon. Member for Falmouth bring in a bill to meet his views? Why do not hon. Members opposite embody their separate views in separate bills and let us have them before us for decision? I believe, *quot homines, tot sententiæ*, is very well illustrated by their conduct. But then the hon. Member for Stockport asks if we throw any slur upon the labouring classes? I answer, No; we do nothing of the kind. But then he says, in the ordinary concerns of life, if you required a man to fulfil particular duties, would you ask him if he was a 10*l.* householder? To this I reply, "No," again. And why? Why, because with regard to such a man I should inquire not as to his competency as an elector, but as to his character, his station, his intelligence, his probable capacity to fulfil the particular duties of the trust I required him to hold. But, supposing I admit you to be right, how will you apply your principle? You tell us that you would take character and intelligence as your test; that you would inquire as to the character the position, the intelligence of each individual before you entitled him to vote. Why, who is to be the judge? Yes, and then you come down to this House and talk of the inquisitorial nature of the Income-tax—as to the inquiries to be put concerning a man's property and receipts. I know not who your grand inquisitors are to be, but this I think you cannot but admit—that a process of inquiry so inquisitorial, and likely to prove so absurd, as that you would institute, is a process that would be found, in the end, to be entirely impracticable. But then says the hon. Member for Bath, you apply a rough justice to the case. Yes, we do apply a rough justice. We do not say that there are not many non-electors highly virtuous—it is quite true there are many; we do not say they are not possessed of intelligence—it is true, that some are highly educated; but this we do say, that a man of a certain station is more likely to possess that intelligence, and that in applying the rough justice, and giving the electoral power to the higher and the middling classes down to a certain point (an arbitrary point, as I freely acknowledge), you are giving the power to those who by situation possess—not more intelligence, more virtue, or more sense, but superior means, superior leisure, superior advantages to improve that sense, and to acquire for themselves the power of judging of the wants and requirements of the native population. But then, says the hon. Member for Stockport, your legislation is the cause of all the evils which afflict the nation, and my constituents are driven to that belief by their wants and requirements. [" Mr. *Cobden*, I beg pardon. ['Order.'] I will explain presently.] That will be quite the Parliamentary course. I am sure I shall be glad to be corrected if I have fallen into any error, but I thought I heard the hon. Member say, that the electors of Stockport were induced to complain of the existing state of the representation by the extent of their distress, and further, that they attributed that distress to the Legislature and the operation of our legislation. All I wish to say upon this is, that I think it very possible that, under such distressing circumstances, the electors of Stockport are not qualified to be the most impartial judges; that, under the pressure of their distress, they may possibly look to measures as means of affording them relief, which measures it might be very unwise and very impolitic to adopt. And I draw this conclusion, that persons subject to such distress may be led to adopt conclusions concerning events which men of more education, placed in circumstances in which they can judge more impartially, are enabled to see in a truer light, and concerning which they can also form opinions more for the benefit of the community at large. I shall not enter further into the various questions which have been raised in the course of the debate. If any person thinks it necessary that further reform in the representation of the country is required, let him tell openly and honestly what reform he would have, and what is the proposition which he would lay before the House. You are acting under a full responsibility to the public at large, as well as to the constituency whom you represent. Beware, then, lest in such vague motions as these —whilst you are apparently attempting to extend the suffrage, you do not materially diminish the influence of the constituency. Whatever proposition is to be made to the House, let it be presented broadly and distinctly before it, so as that it may be fully and fairly heard, and a correct judgment be formed of it as a whole; but do not agitate the country by a general and loose motion for a committee to consider a question already settled, and to which, as so settled, I, for one, am resolved steadily to adhere. Do not unsettle what has been already done, by vague motions, which can be productive of no effect, or of which the only result will be to introduce new elements of discord at a time when the march of Government, the course of events, the position of society, and the influence of the constituency, all in their several relations, are fixed, certain, and steady,

Captain *Plumridge* thought he had guarded his vote by stating, that it was not his intention of going the whole length of the motion, and confining it to the last seven lines relative to inquiry. He was taunted with not having brought in a bill.

Lord *Stanley* did not state that the hon. and gallant Gentleman had supported the whole motion. On the contrary, he founded his argument on the fact of the hon. and gallant Gentleman having professed his support of the motion to be founded on the last seven lines; and he merely meant to show how much those who supported the motion of the hon. Member for Rochdale differed from that hon. Gentleman's conclusions.

Mr. *Cobden* explained: What he had said was, that the majority of the people entertained an intense hatred of that House as at present constituted, and attributed all their sufferings to its legislation. He had said nothing whatever about the reasons.

Sir *T. Wilde* said, he wished to explain the grounds on which he should give his vote. He did not feel that he could support the present motion, and the reason was, he did not think it was calculated to do any practical good. It was undoubtedly popular to appeal to the House to enter into inquiry; but when the House resolved itself into a committee, it was generally with the view of receiving evidence and making a report. It was to come to a resolution on a particular proposition, and the House seldom went into committee until the Member who asked for the committee had pointed distinctly to the question he meant to submit to them. It would be idle for the House to go into committee on a great variety of propositions, when at last they must come to a distinct vote on a single proposition, and therefore it was fit that the nature of that proposition should be distinctly announced. As he understood the object of the present motion, it was to take an opinion on what was called the charter. Unless the object of the previous matter was to point the attention of the House to the points in the reform of our representation which constituted the charter, he did not know why it was there at all. Now, however the representation might admit of alteration and amendment, he did not think the country needed any further inquiry on the subject of the charter. Having himself formed an opinion on the subject, he did not think the House could occupy their time usefully in any inquiry on the subject. Considering, therefore, that this motion distinctly pointed to the subjects that constituted the charter, and bearing in mind that there were subjects before the House of great importance to the country, and in which it was expedient there should be as little delay as possible, he should consider the time occupied in this inquiry would be wasted time, and lead to no practical result. If any hon. Member wished a reform in the state of our representation, the proper mode of procedure would be to state to the House the reform he proposed, in order that the House might adopt or reject it as it might meet with concurrence. His hon. and learned Friend had truly said, that no man more disliked making exaggerated statements than himself, and he was sure that he had not heard the whole of the speech of the right hon. Baronet, or he would never impute to the right hon. Baronet (Sir R. Peel) anything like disrespect for the working classes. The speech of the right hon. Baronet was as perfectly free from it as it was possible for a speech to be. The right hon. Baronet began by stating that whatever opinions he might entertain of the proposition before the House, the last thing that he could contemplate would be to treat with slight or contempt the working classes. He thought, therefore, that his hon. and learned Friend must have fallen into the mistake from that pleasant but not less efficacious mode in which the right hon. Baronet contrasted the different Members on that side of the House with whom the labouring classes had nothing to do, and have thought that, because the right hon. Baronet rendered his pleasantries musical as well as effective, he applied them to the labouring classes with whom they had no connection. He was sure he had only acted in accordance with the wishes of his hon. and learned Friend in preventing him from doing injustice, and he would only add, that he should vote against the motion.

Sir *R. Peel* said, he was exceedingly obliged to the hon. and learned Member (Sir T. Wilde) for the just construction he had put upon his language, and he thought he ought at once to state that the hon. and learned Member for Bath had completely misrepresented the tenor of his arguments. What he had said was, that he could not reconcile it to his mind to give a silent vote upon such a question as that mooted by the hon. Member for Rochdale. He must say, that it was very hard if an hon. Gentleman used an absurd argument he was to be debarred from pointing out its absurdity to the House, upon the plea that in doing so, he was guilty of disrespect to the working classes.

Mr. *Wallace* rose to order. The speech which the right hon. Baronet was making was not an explanation, but was to all intents and purposes a second speech. He appealed to the Chair.

The *Speaker:* The right hon. Baronet is in order.

Sir *R. Peel* said, that he had only one observation to make, and that was respecting the sense of the unfairness of the interruption he had experienced. Surely, if the hon. and learned Member for Bath had made some observations on a speech of his, of which he had heard by his own admission only a very small part, he was entitled to an opportunity for setting himself right in the eyes of the House, with respect to his own arguments, which had been misrepresented; and he considered that so far from having, according to the hon. and learned Member's statement, showed any disrespect for the labouring classes, by his statements and arguments in reply to the hon. Member for Rochdale, he had, on the contrary, showed the highest respect for the working people, by coming down to that House, and sitting there since five o'clock listening, notwithstanding his other occupations, to the speech.

Mr. *Roebuck* observed, that the right hon. Baronet was making a second speech. Sir R. Peel sat down.

Mr. *Blewitt:* There is an old saying, that "fair words butter no parsnips," and I think, that notwithstanding what the hon. and learned Gentleman below me has said, that no other interpretation but disrespect to the working classes can be put upon what fell from the right hon. Baronet. It was a derisive speech, and not what the right hon. Baronet ought to make. The right hon Baronet—[*Interruption.*] I shall certainly move the adjournment of this debate. I really do not see why I should not have a hearing. I have as much right to speak on the question as any Member in the House. The question is said to be a Chartist question. The House recollects certain proceedings at Monmouth. I have always been an advocate for popular rights, and have done my duty to a large body of constituents, who sought me out. [*Interruption.*] It's all very well to say "go on." I wish to say a few words, to show why I am entitled to speak on this question. The House will recollect an outrage which took place in Monmouth. Having, as I said, always represented popular opinions in the House—having served here five years, and not troubled the House much, I think I have a right to be heard. [*Repeated Interruption.*] I really do not think this is fair treatment—it is now only twenty minutes to twelve—I have said that I only wish to occupy the attention of the House for a few minutes, and I do not think you are treating me fairly. I have no alternative but to move the adjournment of the debate.

Mr. *Collins* seconded the motion for adjournment, which was negatived.

The House divided:—Ayes 67; Noes 226:—Majority 159.

List of the AYES.

Aglionby, H. A.
Armstrong, Sir A.
Bernal, R.
Blake, M.
Blake, M. J.
Blake, Sir V.
Blewitt, R. J.
Bodkin, J. J.
Bowring, Dr.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Cobden, R.
Collins, W.
Currie, R.
Dennistoun, J.
Duke, Sir J.
Duncombe, T.
Ellice, E.
Elphinstone, H.
Esmonde, Sir T.
Ewart, W.
Ferguson, Col.
Fielden, J.
Gibson, T. M.
Granger, T. C.
Hall, Sir B.
Johnston, A.
Leader, J. T.
Muntz, G. F.
Murphy, F. S.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, J.
O'Connell, D.
O'Connell, M.
O'Connell, M. J.
O'Connell, J.
Paget, Lord W.
Pechell, Capt.
Phillpotts, J.
Plumridge, Capt.
Powell, C.
Protheroe, E.
Rennie, G.
Roche, Sir D.
Roche, E. B.
Roebuck, J. A.
Rundle, J.
Scholefield, J.

Scott, R.
Smith, B.
Somers, J. P.
Somerville, Sir W. M.
Strickland, Sir G.
Tancred, H. W.
Thornely, T.
Turner, E.
Villiers, hon. C.
Wakley, T.
Walker, R.
Ward, H. G.
Williams, W.
Wood, B.
Yorke, H. R.

TELLERS.

Crawford, S.
Wallace, R.

List of the NOES.

Acland, Sir T. D.
A'Court, Capt.
Ackers, J.
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Astell, W.
Attwood, M.
Bailey, J.
Bailey, J., jun.
Baldwin, B.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, Sir R.
Bentinck, Lord G.
Beresford, Major
Bernard, Visct.
Blackburne, J. I.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Browne, hon. W.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Buckley, E.
Burrell, Sir C. M.
Campbell, A.
Cardwell, E.
Chapman, A.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christmas, W.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Colvile, C. R.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Courtenay, Visct.
Craig, W. G.
Cripps, W.
Darby, G.
Dawnay, hon. W. H.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
D'Israeli, B.
Dodd, D.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Dowdeswell, W.
Duncombe, hon. A.
Du Pre, C. G.
East, J. B.
Easthope, Sir J.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Evans, W.
Farnham, E. B.
Ferguson, Sir R. A.
Feilden, W.
Ferrand, W. B.
Fitzroy, Capt.
Fleming, J. W.
Follet, Sir W. W.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hn. Capt.
Gore, M.
Goring, C.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greene, T.
Gregory, W. H.
Grimsditch, T.
Grimston, Visct.
Guest, Sir J.
Hale, R. B.
Halford, H.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hornby, J.
Howard, P. H.
Ingestre, Visct.
Inglis, Sir R. H.
Irton, S.
Jackson, J. D.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, Sir J.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Kirk, P.
Knight, H. G.
Knight, F. W.
Law, hon. C. E.
Lawson, A.
Legh, G. C.
Lemon, Sir C.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lowther, J. H.
Lyall, G.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
M'Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Martyn, C. C.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morgan, C.
Mundy, E. M.
Neville, R.
Newry, Visct.
Nicholl, rt. hn. J.
Norreys, Lord
O'Brien, A. S.
Ogle, S. C. H.
Pakington, J. S.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Ramsay, W. R.
Rashleigh, W.
Reade, W. M.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Rose rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, C.
Sanderson, R.
Sandon, Visct.
Scott, hon. F.
Seymour, Sir H. B.
Sheppard, T.
Sibthorp, Col.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Talbot, C. R. M.
Tennent, J. E.
Thesiger, F.
Tollemache, J.
Trevor, hon. G. R.
Trollope, Sir J.
Verner, Col.
Vernon, G. H.
Vivian, J. E.
Vyvyian, Sir R. R.
Waddington, H. S.
Welby, G. E.
Whitmore, T. C.
Wilbraham, hn. R. B.
Wilde, Sir T.
Williams, T. P.
Winnington, Sir T. E.
Worsley, Lord
Wortley, hn. J. S.
Young, J.
Young, Sir W.

TELLERS.

Baring, H.
Fremantle, Sir T.

House adjourned.

HOUSE OF LORDS,

Friday, April 22, 1842.

MINUTES.] BILLS. *Public.*—2ª· Queen's Prison.

Reported.—Ecclesiastical Residences; Incumbents Leasing; Ecclesiastical Corporations Leasing.

3ª· and passed:—Corn Importation; Law of Merchants Act Amendment.

Private.—1ª· Cootbrigg and Derwentwater Inclosure; Liverpool Paving and Sewerage; Bates's Naturalization. 2ª· Hinckley Roads; Leicester and Ashby-de-la-Zouch Road.

Reported.—(specially) Edinburgh and Glasgow Railway; Glasgow, Paisley, Kilmarnock, and Ayr Railway.

3ª and passed:—Imperial Insurance Company; Nottingham Gas (No. 1).

Received the Royal Assent.—Forged Exchequer Bills; Public Works; Mutiny; Marine Mutiny; Indemnity; Midland Counties Railway; South Eastern Railway; Brandling Junction Railway; Birkenhead Improvement; Bradford Water Works; Staleybridge Gas; Windsor Bridge; Bristol Boundary; Duke of Bedford's Estate; Manchester Infirmary; West Stirlingshire Roads (No. 1); Clee Inclosure; Wakeyhill Inclosure; Cottenham Inclosure; Bunsen's Naturalization; Liebert's Naturalization.

PETITIONS PRESENTED. By Lord Wharncliffe, from Halifax, and the Manchester Medical Society, for an Alteration of the Poor-law.—By Earl Stanhope, from Bradford, for Repeal of the Poor-law Amendment Act.—By a noble Lord, from Lisburn, for an Alteration of the Marriage Law as regards Presbyterian and Dissenters Marriages in Ireland.—By a noble Lord, from Greatford, Castle Bytham, and other places, against the proposed Tariff, the Income-tax, and any Alteration of the Corn-laws.—From Ardcanny, for the Encouragement of Schools in connexion with the Church Education Society for Ireland.—From Wool Combers of Halifax, Stainland, Luddenfoot, and Sowerby Bridge, for the Better Regulation of the Duty on the Exportation of Wool.

SPIRIT DUTIES (IRELAND).] The Duke of *Wellington* moved the Order of the Day for the third reading of the Spirit Duties (Ireland) Bill.

On the question that the bill be read a third time.

The Bishop of *Derry* could not allow this bill to pass without for a moment calling the attention of their Lordships to what might be its consequences if, as he feared, it should encourage the practice of illicit distillation. Those only who had witnessed the demoralizing effects of that baneful practice could form a correct notion of what they were. Illicit distillation was the fruitful source of some of the worst vices of civilized as well as savage life. A writer on this subject in the year 1818 had well described its effects as worse than any of the ordinary evils of civilized warfare. He hoped that those evils would not be found to follow the passing of this bill; but he so much dreaded any measure which had a tendency to bring back the evil of illicit distillation, that he wished not to be considered in any way a consenting party to this bill.

Lord *Monteagle* said, that all his former objections to the bill still existed. It would not, as he had said at an early stage of the measure, add to the revenue, but it would do much mischief to the country. As a measure of finance, it had the experience of more than twenty years against its success; for the whole of that experience had shown that in every instance in which the duty on spirits in Ireland had been increased, the amount brought to charge had been diminished, and in every case in which the duty had been lessened, the amount of spirit brought to charge had been increased. He saw no reason why the same principle would not apply to the proposed increase of duty in the bill before the House. He had on a former occasion alluded to the very injurious effects to the discipline of the army in Ireland, in being sent out to assist the revenue officers in the suppression of illicit distillation; but, as he did not wish to let such a statement rest on his own authority, he would confidently appeal to the opinions of those gallant officers who had held the important office of Commander-in-chief in Ireland, by all of whom he would be borne out in the statement. Whether the Queen's troops might be again employed for the suppression of illicit distillation he could not say, but this he could state, that for a force of that kind, work would be prepared by this bill. Since this subject was before their Lordships last, he had had communications from Ireland, from which he learned that illicit distillation had already commenced in the northern and western counties. The correspondent of a Mayo paper stated very recently, that Sir R. Peel's plan of improving the revenue by increasing the duty on Irish spirits had given quite an impulse to illicit distillation, and the seizures of illicit stills had already commenced. Looking at the plan only as a financial measure, he repeated that Government would be certainly disappointed in its hope of getting a revenue of 250,000*l.* from it. He would now call the attention of their Lordships to another point connected with this bill. They were aware, that a drawback had heretofore been allowed on malt used for distillation, which amounted to 8*d.* a gallon on the amount brought to charge. By the present bill, that drawback would be repealed. Now, the effect of that would be to establish a great, and, he thought, a very unjust inequality between the distillers of Scotland and those of Ireland, for while the drawback was taken away from the Irish distillers, it was continued to those of Scotland. This would operate very unfairly to the Irish distiller who sent spirits to any of our colonies, or to the United States of America. On an export of 2,500 gallons, the Scotch distiller would obtain a drawback of 83*l.* 6*s.* 8*d.*, which was withheld from the exporter of Irish spirits, whose export trade would be crushed and ruined by this bill. The Irish distiller had relied on the law, which placed him on an equality with the distiller of Scotland; but he now saw this equality removed, and that by a bill which professed to treat them equally. There was another point on which he would say a word. When any additions of duty were made on former occasions. they were to take effect, " from and after" the day on which the resolutions to that effect were agreed to by the House of Commons; but on the present occasion the increased duties were to commence " on and after" the day on which the resolutions had been agreed to. Now, this he thought was unfair, as it would affect all the spirits sold on that day, and it was a departure from the general practice of Government when laying on similar additions. This, however, was a matter of detail. His chief objections to the bill rested on the principles he had stated, and on these he would say " not content" to the third reading of this bill, if it were only to record his objections to it.

The Earl of *Ripon* said, the objections of the noble Lord were only a repetition of those which he had made on a former occasion, and they were not of a nature to alter his opinion of the bill. He should, indeed, be very sorry to find that such consequences as the noble Lord had feared from the employment of the troops in Ireland in the suppression of illicit distillation; but he did not think, there would be any necessity for such employment now, as we had a very effective revenue police, placed under the orders of a very active and intelligent officer. With respect to the drawback on malt being taken from the Irish distiller, and continued to the Scotch distiller, his noble Friend seemed to forget that the two were on a par when the Scotch distiller brought his spirits into Ireland. He admitted, that there was an inequality between them in the export of their respective spirits, and he must say, that such inequality was not intended, and that the Government would take measures to remove it. With respect to the duty taking effect "on and after," instead of "from and after" the passing of the resolution, he believed that the former words were used on similar occasions. He saw that it was, as his noble Friend stated, in those acts to which his noble Friend had referred, but there were precedents also for the terms used in the present bill.

The Earl of *Wicklow* said, that when this subject was under discussion on a former evening, he stated, that it had his approbation, as he had that confidence in the Government that they had given the bill the fullest consideration, and that they would not tend to in any way injure public morality; but he owned, that he felt very differently on the present occasion—not from any want of confidence in the Government, for his confidence remained still the same, but because he thought that a great mistake had been committed by the Government with respect to the bill. The bill was grounded on the professed intention of Government that the Irish and Scotch distillers should be placed on terms of perfect equality, but the details of the bill completely destroyed that equality. The Government had admitted by this bill that the inequality did exist—that as it now stood injustice would be done to the Irish distiller—but that the evil would be cured in another bill which was now before the House, relating to Irish spirituous compounds. It was possible, that the evil might be removed in that way, but circumstances might occur which would prevent the Government from carrying their intentions into effect, and he would say, that if this bill were passed without a correction of the error into which its framers had fallen, it would create immense confusion and annoyance in Ireland. Noble Lords should consider the position in which the Irish distillers stood at present. They were aware, that by the temperance movement, a change of an almost miraculous nature had been made in the habits of a very large class of the Irish people, who had been brought from habits of intoxication to those of sobriety; and let him say, that the more he considered that change, and the moral effects it had produced, the more he was disposed to praise that great man who had been instrumental in bringing it about. Before this change some of the distillers used to make what was called whisky for the poor man —that was, whisky distilled from oats. The change in the habits of the people nearly put an end to the demand for that kind of spirit, and several of the distillers confined their trade to the production of a superior kind of spirit distilled from malt, a great portion of which was sent off to some of our colonies, and to the United States of North America; but if this bill should pass in its present state, the Irish distiller would be driven out of those markets, of which the Scotch distiller would receive the monopoly. The drawback, it was true, would not affect the Irish market for the home consumption, as the taste for Scotch whisky did not prevail in Ireland. Why should the inequality he had pointed out be suffered to continue? If he obtained an assurance from his noble Friend at the head of the Board of Trade, that this inequality would be remedied, he would not oppose the third reading, but if he did not, he must join with his noble Friend (Lord Monteagle) in resisting it, and dividing with him if he should take the sense of the House on it. The Irish distillers had requested him to say, that they were perfectly satisfied with the bill, provided this mistake, as it was admitted to be, were corrected. Let the bill, then, stand over for a few days, until this mistake was corrected.

The Marquess of *Clanricarde* cordially joined with his noble Friend in imploring their Lordships to defer this bill for a few days, as he was sure, that if reconsidered, it would not be passed through Parliament in its present shape. He would ask their Lordships whether it were worth while, for a revenue of 250,000*l.*, supposing that sum could be realised by this bill, which was more than doubtful, to do away with the effects of that temperance movement of which the noble Earl had spoken in terms of such deserved praise? Was it worth while for that paltry amount of revenue to risk the bringing back of the Irish peasants to those habits from which they had in a manner, as had been truly said, almost miraculously been rescued? His noble Friend had alluded to the fact of illicit distillation having already commenced in the town of Mayo, and from information which he had received, he could say the same thing of other parts of the country. Could their Lordships believe, that with the temptations which those illicit stills would place in the way of the Irish peasant he would not soon relapse into his former habits of intoxication? This was not a party question. No one had so viewed it, and if he had the same confidence in the Government as his noble Friend (the Earl of Wicklow), which he had not, he would speak of this bill in the same language as he now used.

Earl *Fortescue* said, it was almost presumptuous in him to rise on this subject, when there was so many noble Lords present whose opinions on it were entiled to far greater weight; but when he recollected the temperance movement which he had witnessed in Ireland, and the almost miraculous manner in which it had spread, and was still spreading in that country—when he recollected the great moral effects which that movement had produced and was producing—he was disposed to add his request to that of the noble Lords who had preceded him, that their Lordships might not precipitately pass a bill which would risk the bringing back of the Irish peasants to those habits of intoxication and of crime from which so many of them had been happily rescued. Considering the improved habits of the Irish people, he did hope that their Lordships would pause before they passed a bill which might be followed by so many evils. On these grounds he would oppose the third reading of the bill.

The Duke of *Wellington* could assure their Lordships that the Government had given great attention to this subject before they had submitted it to Parliament; and from communications which they had had with the chief officer of Excise, and with the able officer who was at the head of revenue police—from these sources they had learned that the most effective means would be adopted for the prevention of illicit distillation. The attention of the Irish Government had been particularly called to this subject. As to the inequality complained of between the Scotch and Irish distillers, he could say that such was not the intention of the Government, and he did not know how such inequality got into the bill. It had been said, that there was a bill now pending in the other House which would afford an opportunity of correcting this error, and his right hon. Friend the Chancellor of the Exchequer would avail himself of it for that purpose; but if it could not be done in that way a new bill would be brought in for the purpose. In the meantime, in order to see what could be effected, he would with the leave of the House withdraw the motion for the third reading of the bill till Monday.

Lord *Monteagle* begged to thank the noble Duke for taking this course. As it was the evident intention of the Government to equalize the duties on Scotch and Irish distillers, he hoped it would be borne in mind that the former had the drawback in Scotland which the latter had not, so that the Scotch distillers would thus have a monopoly in their own markets.

Motion for the third reading withdrawn.

MAGISTRACY (IRELAND.)—MR. BIDDULPH.] The Marquess of *Normanby* said, it was his intention, pursuant to his notice, to put a question to the Government on a subject affecting the pure administration of justice. The question related to a subject to which their Lordships' attention had been already called. What he wanted to know was, whether after what took place at the King's County assizes, when Mr. Biddulph, a magistrate, had admitted his having advised certain prisoners to run away, any communications had passed between the Government and that gentleman, and whether he was still in the magistracy? Since then he had had a communication with his noble Friend the Lord-lieutenant of Ireland, who stated that the case had never been brought before him, and thought there was some remissness on the part of those who ought to have brought the matter under the noble Lord's notice; yet he felt confident that as soon as the noble Lord directed his attention to the case, it would strike him in the same light as it struck him. Under these circumstances he willingly postponed putting any question on the subject until that day week.

Question postponed.

CORN IMPORTATION BILL—DUTIES ON CATTLE.] The Earl of *Ripon* moved the third reading of the Corn Importation Bill.

The Marquess of *Lansdowne* said, he had no wish to obstruct the progress of this important bill, which had already been discussed two nights, though it had certainly been passed more rapidly through its different stages than measures of so much importance usually were at the present period of the Session; but he was desirous of taking this opportunity of putting a question to his noble Friend at the head of the Board of Trade. There had been announced to the other House of Parliament a measure relating to the tariff of various commodities, one portion of which was intimately connected with the present bill, and must be considered, in reference to it, as forming part of one general measure for the protection of agricultural produce. On looking at that tariff, he found that various sorts of animals were subjected, or proposed to be subjected, to a certain limited duty on importation into this country; and on comparing the amount of that duty with the amount of duty proposed to be imposed for the protection of arable produce under the present bill, he found a most material difference between them, so as to put capital engaged in one branch of agriculture on a different footing from capital engaged in another branch. According to the calculations of those who introduced the present bill, the average price of wheat was stated at about 56*s*., though from other calculations, which he had seen, he was led to believe that the price would be higher. The duty proposed to be levied by the present bill, when wheat was at that price, was 16*s*. or between 27 and 28 per cent; while the duty proposed by the tariff for the protection of agricultural produce did not exceed 9 per cent. The question he had to ask was, whether the noble Lords could state any reasons to convince the House that he was wrong in these calculations; or, if not, whether it were the opinion of the noble Lords opposite that there ought to exist this difference of protection. If this difference was admitted to exist, and if the noble Lords opposite thought it ought to exist, he certainly had never heard any public grounds stated in defence of the difference of protection. Indeed, he should have thought, that if any difference was to be made at all, there was a much stronger argument in favour of a greater protection to pasture land than to arable land. It was a question of great importance, whether the Legislature ought to give a bounty to the application of capital to one particular branch of agriculture in preference to another; or whether the Legislature ought not to leave capital where it found it, and give the same protection to it, whether invested for the purpose of converting land into arable purposes, or of supplying animal produce from it; for, looking to the means of securing food for the country, he thought nothing could be of greater consequence than maintaining a great quantity of pasture land.

The Earl of *Ripon* said, that at no time had the duties with respect to the admission of cattle corresponded with the duties on the importation of corn. With regard to the first, there had been a prohibition, and the latter had been regulated by a duty fluctuating more or less inversely to the price. The two subjects, therefore, had been regulated on different principles. The principle ground on which the fluctuating duty was imposed on corn was, that the effect of the seasons had a material influence on the produce, so that the supply was liable to variation. It was quite true that the seasons might have an effect, also, on the value of cattle, making it at times less easy to bring animals to the market in the same full growth. Still the price of cattle never varied in the same manner as corn; and the proposition to place a duty on the importation of cattle regulated on the same principle as the duty on corn would be totally inapplicable to the circumstances of the two cases. He was perfectly ready to admit that it had never occurred to him to regulate the duties on the same principle.

The Marquess of *Lansdowne* thought the noble Lord had not exactly apprehended the purport of his question. He had not asked the noble Lord whether he thought it fit to apply the system of averages to the importation of cattle; but he inquired on what ground it was that a different amount of protection was afforded to agricultural produce in the two cases? The noble Lord said that there always had been a difference; but what had the difference hitherto been? He apprehended that cattle and meat had received a greater protection than the arable produce of the country; and now, all of a sudden, without any reason being assigned for the measure, the protection on cattle was not altered with a view of bringing it down to the same level with the protection on corn, but, having been before distinguished by being greater, it was proposed henceforth to distinguish it by making it less. If this were the case he thought Parliament ought not to agree to the measure without learning whether the Government had distinctly considered the point, and what were the grounds on which they vindicated it. He begged not to be understood as giving an opinion adverse to the measure. On the contrary, he might say, without entering into details, that he considered the investigation of the tariff with reference to its improvement to be a work infinitely honourable to those who had attempted it. But it was right that this improvement should be effected on some settled and intelligible principle, and he had not heard any reason assigned by the noble Lord, who admitted that the tariff abolished the former protection on cattle, which was greater than that afforded to corn, and gave cattle an inferior protection now, why this alteration, which was an important departure from the system hitherto pursued, was proposed.

The Earl of *Ripon* said, he had already explained the principle of the different duties on corn and cattle. The noble Marquess said, that the duty on wheat when the price was 56*s*. was 16*s*. under the present bill, being 27 or 28 per cent., and that the duty proposed to be levied on the importation of cattle did not exceed 9 per cent.; but his noble Friend forgot that with respect to the duty on wheat, it did not remain steadily at 27 per cent., but dwindled to nothing. [The Marquess of *Lansdowne:* It also rises above 27 per cent.] It would be quite preposterous to affix to cattle, the duty on which was a fixed duty, the maximum amount of duty which was assigned to corn, the latter duty being fluctuating. He had not been the least aware that his noble Friend intended to enter into this subject, or that he was expected to enter into arguments to show the precise grounds on which the specific duty proposed for cattle was selected. This was a subject which would require some time and discussion to explain satisfactorily to the noble Lord or to himself. He thought he should be able to show that if the Government had proposed a duty on cattle corresponding in amount to the duty on corn, the practical operation of such a duty would, in a great measure, have been a prohibition; and consequently the Government would, then, not have effected the object for which the prohibition was proposed to be removed. Had the Government, while professing to repeal the prohibition, proposed a duty equivalent to a prohibition, they would not have acted in a straightforward manner.

The Marquess of *Lansdowne* said, that all he wished to be acquainted with was the ground of the difference of protection, and whether the subject had been duly considered by the Government. If the noble Lord showed that the application of the amount of protection afforded to cattle would be equivalent to a prohibition, he would make out his case, and he should be exceedingly glad to hear his reasons. The noble Lord said that he argued this question in reference to the maximum duty on corn. This was not the case; for he argued it in reference to the price of 56*s*., which was described to be the average price. He meant to put the question with all fairness to the noble Lord, and he certainly did think that this part of the tariff had a great connexion with the bill before the House, because it was impossible to legislate with confidence on one portion of agricultural produce, without taking into consideration the amount of protection on another.

The Earl of *Malmesbury* said, with reference to the Corn-bill, the third reading of which had been moved, that though he had opposed it, he now hoped, after the discussions and divisions which had taken place, that their Lordships would assist the Government, by reconciling those in the country over whom they had any influence to a measure the passing of which was now inevitable. From his associations, prejudices, and political opinions, it might be supposed that he would regard with partiality any measure proposed by the present Government, and nothing but a sense of duty had made him vote against the Government on this particular measure. The noble Lord at the head of the Board of Control had said the other night, that some in that House and many out of it were not justified in their assertions, that the Government had deceived them in reference to their measure on the Corn-laws. It would not be right to say, that they had been deceived by the Government, but he had a right to say, that they had been disappointed; for, although the right hon. Baronet at the head of the Government had not abandoned the principle of the sliding-scale, he had still a right to say, that in respect to the extent of protection, the agricultral interest had been disappointed. They did not care whether the duty were sliding or fixed, so long as they had a sufficient protection, and that protection was efficiently carried out. He thought, however, as the measure had now been fully discussed, it would be wrong to offer any further opposition to it, or to embarrass the Government in carrying the measure into effect.

Bill read a third time and passed.

The following Protest against the Third Reading was entered on the Journals.

"Dissentient—because the new Corn-bill, although it was allowed by the Minister who proposed it to 'cause a very considerable decrease of the protection which the present duties afford to the home grower,' is not accompanied, as in justice it ought to have been, by the following measures, namely:—

"1. The repeal of all the taxes which fall directly upon land—the land tax, the malt tax, and the hop duty.

"2. The equalisation of all the rates of which the occupiers of land bear at present an undue and unfair proportion, poor-rates, highway-rates, and county-rates.

"3. The repeal of the Tithe Commutation Act, which can no longer be just or applicable.

"4. A legislative enactment, authorising all persons who hold leases to surrender them on giving six months' notice before Lady-day or Michaelmas.

"5. A legislative enactment, directing the payment made under every written contract to be reduced according to the proportion which the average prices of wheat, under the new Corn-bill, may at the time of making such payment bear to its average price at the time that such contract was formed, so that such payment may be of the same value as was originally intended and agreed to by the parties."

"STANHOPE."

LAW OF MERCHANT AND FACTOR.] The Earl of *Ripon* in moving the third reading of the Law of Merchants Act Amendment Bill said, that he believed it would be hardly necessary for him to say a word with respect to the bill. Its intention was to remedy some of the inconveniences that at present existed between principal and agent, with reference to the consigning of goods. The law as it at present stood permitted an agent to sell the goods intrusted to him, but he was not allowed to pledge them as against the principal beyond the lien he held upon them. In addition to that he might advance money on security of certain documents, such as the bills of lading. Sometimes great inconvenience was felt in this respect, and as the advance of money on goods shipped was becoming so interwoven with the commercial intercourse of the country, it was felt necessary to give facilities to this mode of raising money, unless facilities in that respect were given, commerce would be cramped. His noble Friend opposite, the Earl of Clarendon, introduced a bill of a similar character last Session, which he was unable to proceed with, but his attention being drawn to the subject, the present bill, which was very nearly the same, was introduced, and he took that opportunity of giving his noble Friend all the credit of the bill.

The Earl of *Clarendon* said, he could confirm all that had been said by the noble Earl with regard to the importance of the measure, because nearly all the commerce of the country was now conducted by making advances on goods on their way to market, which was productive of great injustice and embarrassment to trade. He had presented several petitions from various persons, representing that the present state of the law was very injurious. He had no hesitation in saying, that nine-tenths of the goods sold in this country had advances made on them, and he could assure the House, that the bill would confer a great boon on the whole community.

Lord *Campbell* expressed his concurrence on the merits of the bill. Great litigation had arisen from the present state of the law; the act which had been passed had been a mere snare. He rejoiced that this bill, which had been prepared by the former Government, had been adopted by the present.

Bill read a third time and passed.

Queen's Prison Bill.] Lord *Wharncliffe* moved the second reading of the Queen's Prison Bill.

The Marquess of *Normanby* concurred in the object of the bill, a measure which it had been his intention to introduce.

The Bishop of *London* inquired whether there was a provision in the bill giving power to the Bishop of the diocese to superintend the religious instruction of the persons confined in the Queen's prison?

Lord *Wharncliffe* said, there was nothing in the bill at present to that effect.

Bill read a second time.

House adjourned.

HOUSE OF COMMONS,

Friday, April 22, 1842.

Minutes.] New Member.—Hon. William Lascelles, for Wakefield.

Bills. *Public.*—2°· Property Tax; Excise Duties Compounds; Roasted Malt; Soap Duties Drawback.

Private.—2°· Ferrybridge and Boroughbridge Road; Mieville's Divorce; Haddingtonshire Roads.

Reported.—Cottenham Drainage.

3°· and passed:—Castlerigg and Derwentwater Inclosure; Liverpool Paving and Sewerage.

Petitions Presented. By Mr. Villiers, and Dr. Bowring, from Leighton Buzzard, Bridgwater, Langfield, and Worcester, for the Repeal of the Corn-laws.—By Mr. P. Howard, Mr. Tancred, and Mr. Gregory, from Tanners of Carlisle, Chester, Galway, Daventry, and Dublin, against the proposed Alteration of the Import Duty on Foreign Leather.—From Killersherdany, St. Patrick's, Dublin, and Templemore, for Alteration of the present system of Education (Ireland).—From the Lancaster and Preston Railway Companies, and others, for Inquiry into the present state of Railway Travelling, and for other purposes.—By Sir John Yarde Buller, from Sidmouth, Edgware, and Devonport, against any further Grant to Maynooth College; and from Brixham, against the proposed Duty on the Exportation of Coals.—By several hon. Members, from St. Marylebone, St. Pancras, Beverley, Wooler, St. Luke's, Chelsea, Thurso, and Banbury, against the Income-tax.—From H. S. Wilmot, for Amendment of the Law of Elections.—By an hon. Member, from Attornies at Ripon, Modbury, and Lincoln, for Repeal of the Duties on Attorneys Certificates.—By Sir James Graham, from Carlisle, Weston-super-Mare, and Bristol Chamber of Commerce, in favour of, and from New Brunswick, against the proposed Commercial Reforms.—From Bovey Tracey, for Alteration of the Poor-law Amendment Act.—From Kingsbridge, against the Exportation of Hill Coolies from British India.—From Monmouth, Essex, Boston, Gressford, Swayfield, and other places, against the Corn Importation Bill, and the Importation of Foreign Cattle.—From North Shields, for carrying into effect the recommendations of the Select Committee of 1840 relating to the Merchant Seaman's Fund, and for an Act making the Wages of Shipɹwecked Seamen due for labour performed up to the time of the Ship becoming a Wreck.—From Dublin, against the Reduction of the Duty on Stained Paper.—From St. Luke's Enfranchisement and Anti-Monopoly Association, for Universal Suffrage.—By Sir H. Douglas, from St. John's, and St. Andrew's, New Brunswick, against the proposed Commercial Reforms.—From Limerick, against the Reduction of the Duty on Tobacco Pipes.

Income Tax.] Order of the Day for the second reading of the Income-tax Bill read.—On the question, that the Bill be now read a second time,

Mr. *Charles Buller* rose, pursuant to notice, to move, that the bill be read a second time that day six months. He believed he owed the House an apology for again troubling them upon this question. He should not have done so, were it not that the bill had arrived at a stage at which it was not necessary to touch on the topics that had previously engaged the attention of the House. They had formerly discussed the necessity of any tax at all; they had discussed the general principles of the tax, and they had now to examine how those principles are carried out in the details of the bill now before the House. They had got the bill, and he must confess, that whatever had been his former objections to the Income-tax—whatever forebodings he might have had as to its operation, all those objections and all those forebodings, were greatly enhanced by a perusal of the bill before them. It had been said, that the tax was inquisitorial—that it was unjust—that it was arbitrary; and every detail of the bill only placed, in a stronger light, how rightly and justly those terms had been applied to it. He did not pretend, on the present occasion, to enter into a thorough and detailed examination of the bill, for it contained 189 clauses, and had only been distributed among hon. Members yesterday, or the day before. He was merely going to explain to the House the grounds of his most prominent objections to it. When he read this bill, and saw the provisions by which the tax was to be carried into effect, he did not wonder at the hostility which the principle had excited in former times. He did not wonder at the eagerness with which its repeal was demanded, and the joy with which it was hailed. He only wondered, that in a free country a tax which so trenched on the comforts and rights of British subjects could ever have been tolerated; and he thought, that nothing but the peril of the late war, and the strong national feeling which it excited, could have induced Englishmen to tolerate a law so contrary to their habits and feelings, and so adverse to all the principles of the constitution. He did not complain of the bill as introducing any unnecessary vexation; it was but the necessary vexation which must be inflicted upon her Majesty's subjects, in order to carry out a tax of the kind; but he did say, that the provisions of this bill gave an amount of arbitrary power which, as he believed, had never been given by any other Legislative measure since the revolution. Why, the mere inquisition which was requisite for this tax was bad in itself. It was a very bad and a very oppressive thing, that the commercial, trading, and manufacturing people of England should be obliged to come before an officer of the Government and detail to him the exact state of their trade and the position of their affairs. He could not agree with what the hon. and learned Member for Bath stated, with regard to that objection. His hon. Friend seemed to treat it as the objection of an over-timid, or rather a dishonest mind; and said, that no honest man need fear an inquiry into his circumstances; but he would recommend his hon. Friend to pay some respect to the feelings of a commercial people upon that point. He would ask him to look at the contents of this bill, and then tell the House whether he did not begin to feel some little sympathy with that aversion which his hon. and learned Friend had admitted, that the people of England always felt to such an inquisition. But the measures for enforcing that inquisition appeared to him to render it doubly mischievous and oppressive; it was to be enforced by means totally alien to the character of every free people. He would not pretend to say he understood the whole machinery of the bill; for that machinery was so complicated, that nothing but experience could enable a man to understand it. There was a cloud of commissioners, that would astonish any weak mind. He wondered, indeed, that they had not had a protest against them from the hon. and gallant Member for Lincoln. There were, first, the stamp and tax commissioners, who presided over the hierarchy of the establishment; then there were commissioners for general purposes; then commissioners for special purposes; then came additional commissioners, and, that not being sufficient, there were to be assistant-commissioners to relieve them. So that whatever the stamp and tax commissioners had not eaten up, was to be lapped up by the general and special commissioners; and if any crumbs were left by them, they were to be picked up by the additional commissioners and their assistants. He had no wish to turn those commissioners into any ridicule, for they really seemed to him to be very effectual instruments of a very grinding tyranny. They gave them by this bill not merely a power of inquiry but they gave them also judicial powers. He found in this measure no less than seven clauses, giving a power of levying very large fines by these commissioners. There were fines of 20*l.* and 50*l.*, to be recovered in the ordinary way, and to be resorted to for the levying of this tax. But, in addition to those powers of the commissioners, special, 'general, and otherwise, they had the power also, when they saw fit, of taxing to a large amount by trebling the duty. He would mention one instance of the mode in which this power was given. It was in clause 55. The commissioners were to go about calling upon persons to deliver in lists of their incomes; and if any person refused or neglected so to do within the time limited in the notice of the commissioners, such person should forfeit a sum not exceeding 20*l.*; and if he should be prosecuted for any such offence, then he should forfeit the sum of 50*l.* to be recovered in any of her Majesty's courts; but there was another penalty imposed by that clause—that such persons refusing or neglecting to deliver in such list, should forfeit in addition to the 20*l.*, a sum not exceeding treble the duty at which such person ought to be charged by virtue of this act. Now, suppose an hon. Gentleman with 1,000*l.* a-year neglected to give in his list, he was to be charged with treble the duty he was liable to pay: so that instead of paying only 30*l.* he was to be fined by the commissioners 90*l.* He would ask whether with respect to any other tax ever imposed on the people of England such powers as those had ever been given? Why, in other cases, a man would be tried in a court of law, by a jury, but by this bill the power of trying and punishing was given to the commissioners. But, then, there was another circumstance which distinguished this from the assessed taxes, or any other tax, namely, that all these proceedings were to be carried on in secret. They were to violate the great rule of the publicity of all penal proceedings, and to subject to penalties upon evidence taken in secret, and not given to the public afterwards. A tax that could only be collected by such means must be very bad.

But he did not mean to oppose these details; he did not mean to object to them in committee on the bill; because, if they were to have an Income-tax at all, they must have this inquisitorial and unconstitutional mode of carrying it into effect; but what he would do now, was, to call upon the House to reject a tax which must be enforced by such means—to reject a tax enforced by the mere pleaures of commissioners appointed by the Crown—to reject a tax that must be enforced by penal proceedings carried on in secret—to reject this tax, because nothing but the most imperative necessity could justify a course so much in violation of the principles of freedom and the British constitution. He considered these details, vexatious as they were, part and parcel of an Income-tax. When they voted for the second reading of this Income-tax Bill, they voted at the same time for all these inquisitorial powers; and, therefore, before they passed the second reading, and adopted the principle that carried those details with them, the House should well consider with themselves the necessity that existed for such a tax. He was not going into any of those topics which had been dwelt upon as proofs of its necessity. They had heard a good deal about the penny-postage, Affghanistan, China, and different other causes insisted upon by the present Government. None of those did he intend to touch upon. His simple argument against the necessity of the tax was upon the face of the tax itself—the amount levied on each individual—the total amount to be raised by it; for in his opinion it never could be worth while to deviate from the principles of the constitution and the practice of all free states for a tax of 3 per cent. on each individual,—for the purpose of raising not more than 4,000,000*l.*—a comparatively small amount that might be easily raised in many other ways. He must confess he was greatly surprised to find that a tax like this had met with any support on the Opposition side of the House. He did not think, however, that the right hon. Baronet could be particularly gratified by the support his proposition had met with on his own side; he did not mean as to votes, because there was only one way for these unhappy Gentlemen to vote; but it was a very singular circumstance that hardly any Gentlemen connected with the Government had supported it without objecting to one or more particulars upon which the right hon. Baronet was prepared to stand. He could not suppose that the motives of many hon. Gentlemen on that (the Opposition) side of the House operated so strongly with many Gentlemen on the other side, to whom this measure would not be recommended by its facilitating the adoption of the tariff. He was rather surprised to see the haste with which some of his own friends supported an Income-tax, in order that the right hon. Baronet might give them the blessings of his tariff; for it would be but prudent to be sure before they imposed an Income-tax that they were really going to get an efficient measure of free-trade. The right hon. Baronet had been the only expounder of the general scheme the House had had the advantage of hearing; and the expositions of the right hon. Gentleman had not been of the most consistent character. When it suited his purpose to shape his speech to gratify Gentlemen on the Opposition side of the House, then the cheapness that was to result from the tariff was cried up; but when he wished to allay the fears of the other side of the House, then it would appear that the tariff would effect no reduction in price. The right hon. Baronet had said, on one occasion, that a man worth 300*l.* a-year, who had to pay 9*l.* a-year to the Income-tax, would save 10*l.* or 12*l.* a-year by the operation of the tariff. Now what could he save it in except in the price of meat or provisions? But the instant this is asserted the right hon. Gentleman and some of his agricultural supporters say to the farmer, "Oh, there will not be any cheap provisions; you need entertain no apprehensions, the prices of provisions will not be lowered; you have nothing to fear, and the consumer has nothing to hope." When the Corn-bill was under consideration, the right hon. Baronet drew a touching description of his own position, placed as he was constantly between the fire of two parties: those on the Opposition side of that House telling the right hon. Baronet that his measure would not admit an atom of foreign corn; and if he denied that, an agricultural Member, being sure to get up and say, "Oh, you are going to ruin us by deluging us with foreign corn." But really there was no call for any compassion, for the right hon. Baronet, if he could so easily pacify both classes of objectors as he attempted to do in the present discussions, where he seemed to have nothing to do but lean over the Table, and tell the Opposition, "you will have provisions cheaper," and the next moment turn round, and, addressing his own supporters say, "there will be no reduction whatever in the price which you will get for them." The right hon. Baronet he saw dissented: and, of course, he did not mean to assert that he had stated these contradictory views so broadly as he had put it, but he would appeal to any Gentleman who had heard the debates if that were not the purport and intention of the contradictory arguments which the right hon. Baronet had urged over and over again, according to whether it was a free-trade support on that (the Opposition) side of the House, or an agricultural support on the other side, that was to be conciliated. Some Gentlemen on that (the Opposition) side of the House did not like an Income-tax —they felt it was unjust—they had a great objection to the taxation of Income; but still they voted for it, because it took in a tax on Property. Now, he wanted hon. Gentlemen on the other side of the House to consider the importance of encouraging this feeling in favour of a property-tax. Many of his hon Friends on that (the Opposition) side of the House said they voted for the Income-tax because they liked a property-tax, and then they were loudly cheered by hon. Gentlemen opposite. Now, did those hon. Gentlemen consider the consequences of what they were doing; were they aware that a strong feeling existed among the poorer classes, that this was a tax that would press only upon the richer classes, and that it was popular on that ground? Did they for a moment suppose that an Income-tax was popular among the constituences? Did any hon. Gentleman in the House think that his constituents would not 'ere long, move against so inquisitorial a tax? Let it only come into operation—let the shopkeeper and the merchant be compelled to open his books to the inspection of his neighbour, and possibly rival, who might have been fortunate enough to be appointed a commissioner under the bill—let the payment be enforced in the present general state of distress among the middle classes,—and they might rely upon themselves, that there would very soon be a movement against the tax, which would relieve the possessors of uncertain incomes. But the result would be, not the total but the partial repeal of the present measure; they would have the Income-tax repealed and the Property-tax perpetuated. He said, those who cheered the few hon. Members on his side of the House who supported the tax were bringing upon themselves a future, that they of all others would most dread to contemplate. But his hon. Friend, the hon. Member for Bath, had a dodge by which he was to make the right hon. Baronet (Sir R. Peel) and his friends subservient to his own purposes. He was now a strong supporter of the second reading of the bill, but when they got into committee, his note was to be altogether altered. The hon. Member for Bath would then ask the right hon. Baronet to give up the Income-tax, and, if that were refused, then he would turn round and do all in his power to defeat the bill, although his so doing might be accompanied by the awful calamity of the retirement of the right hon. Baronet from the office he now held. The hon. and learned Member was one of the few Members on that side of the House who were going to give their assistance towards carrying the second reading of the bill; he might rest assured that he would get very few of the hon. Gentlemen who sat upon the opposite Benches to join him in the operations by which he meant to follow up his present vote—very few indeed who would go out into the lobby with him against the tax upon incomes. Hon. Members might vote for the bill on the ground of their anxiety to see a property-tax imposed, but he could assure them that in voting for the bill they voted for an Income-tax; for an amendment to abolish that tax would not be tolerated for one moment by the other side of the House. Then, again, his hon. Friend the Member for Bath had given notice of an amendment which, notwithstanding it would work, if carried, gross injustice, he would vote for. Yes, he would vote for it, because it proposed to relieve a portion of the community from a portion of the Income-tax; and though he thought the exemption of one class unfair, he should vote for it, because common humanity would induce him to favour the escape of any body from this odious impost. The hon. and learned Member proposed that the tax to be levied on all incomes arising from trade and professions should be taxed only 3½*d.* in the pound. Now, in his opinion, the gross injustice of such a proposition could be shown by numerous examples. Let him only give one. Suppose the case of a lawyer, aged forty, with an income of 5,000*l.* a year. Let the amendment of the hon. Member for Bath be carried, and upon that income the tax to be levied would be 3½*d.* per pound. Then, suppose that his mother were alive, aged 80, with an income of 500*l.*, that died with her; yet she was to be taxed to the full 7*d.* So the proposition was to tax the old woman at the rate of 7*d.*, her interest in the income being but a short one, and the income which might be enjoyed for a long series of years at only 3½*d.* When they exempted any kind of income from the tax, they only swept away a part of the injustice and left the remainder more glaring. And that consideration caused him to agree with his noble Friend the Member for London, that they could not deal with the plan by amendments; it must be unjust under any circumstances; they must reject it altogether, or take it altogether, with all its injustice and all its inequality. He must confess that the more he reflected on the subject the stronger were his objections to the tax altogether, and the stronger was his conviction of the utter fallacy of the opinion in favour of the policy of a direct taxation. Direct taxation must always be unjust and unequal. It appeared to him that all taxation ought to take away equally from every man's means of enjoyment. A tax upon income did not effect that, but a tax upon expenditure did. Take the case of a professional man. A young professional man had to save, but one more advanced in life had to save a much larger amount. One man had a large family, another none at all. Thus one man was under the necessity of saving in one proportion, and another in another proportion, according to his position; and he defied the power of legislation to meet and provide for all these contingencies when imposing direct taxation. But taxes on expenditure met and comprehended them all. Indirect taxation became applicable to the different styles of living adopted by different classes and different individuals. Take the house-tax for example. A man of 5,000*l.* a year, whose estate was entailed, with no power to charge it for daughters, must save more largely from his income than the man in whom the fee-simple of his estate vested. The consequence was, that the former lived in a less handsome house, and one better adapted to his actual means. Look at professional men; all of them had different proportions of expenditure, varying according to their own ideas of necessity, capability, or comfort. Now, upon all these people you come with your rough and barbarous system of direct taxation—for he agreed with the hon. Member for the Tower Hamlets as to its being the taxation of a barbarous period—you impose your Income-tax, and disregarding all the differences which must ever exist in the means and mode of the living of various individuals, you place your impost upon all alike, so that what falls lightly upon one presses with crushing severity upon another. Upon these grounds he objected to an Income-tax. But, on the other hand, he did not say that the extravagant and unjust principles of taxing only the expenditure of the poor should be continually acted on. They might tax the expenditure of the rich, and raise a large revenue, without taxing those articles of customs and excise which were necessarily consumed by the poor. The noble Lord was quite right in adverting to the assessed taxes—taxes, for the most part, upon the expenditure of the rich. More than four millions of those taxes had been repealed, and recourse might have been had to those taxes again. He had been astonished at the tone taken by some hon. Gentlemen on the Opposition side of the House, and to hear them taking it for granted that advocacy of direct taxation was essential to the character of a liberal politician. He claimed some title to that character, but he confessed he could not see the necessary connection between political principles and what appeared to him to be very bad political economy. It seemed to him that direct taxation had always been a badge of slavery, and never had been imposed except where the people had no voice in the imposition. The only instances he knew of direct taxes continued for a lengthened period in time of peace were taxes which he apprehended no one would defend; namely, the *gabelle,* and the *taille,* spoken of by the writers of that day as most odious. When he reverted to the practice of all free nations he found it strongly against direct taxation. The practice of this country since the Revolution was against it. [Sir *R. Peel:* The land-tax.] That he admitted was a direct tax. But the land-tax was so odious, that the classes who paid it had been gradually getting rid of it since the time of the Revolution, so that at the present time it was not one-half of what it had been in the time of George 2nd. He did not say that free nations had not for a while foolishly submitted to bad systems of taxation; but he contended that the history of the land-tax strengthened his view of the matter, because it consisted of a series of exertions of a free people to rid themselves of a system of direct taxation. Take the policy of the United States of America, which were generally considered as furnishing a specimen of democratic government, and one might judge from that of what the people would do if they had their own way in laying on taxes. In the United States of America the whole revenue of the central Government had always been raised by indirect taxation. Nay, he would go further, and say that, as regarded the local taxation of all the different states of which the union was composed, there was not one of them, with the single exception of Ohio, in which there was anything like a tax upon Income or property. The only vestige of it that had ever existed, was in the state of New York, during the late war; but the partial tax upon property that was then imposed was repealed in 1826. It appeared that the House of Commons was now called upon to discuss this question upon democratic grounds. He owned that he was never unwilling to enter upon the discussion of a question upon those grounds, as he thought that the welfare and good feeling of the masses ought to be the rule of their conduct as the representatives of the people. But there might be language held in that House which would appeal not to the welfare and good feeling of the masses, but rather to their bad feelings. Such, in his opinion, was the character of the language held on the other side of the House by Gentlemen high in office, when they endeavoured to persuade the poor that they were not simply to rejoice because they were exempted from taxation, but because the rich were made subject to it. The necessary effect of such language was to engender a hostile and illiberal feeling on the part, of the poor towards the rich. One right hon. Gentleman had said, that he hoped the meetings upon this subject would be attended by persons having less than 150*l.* a-year. In his opinion, this was dangerous language—far more dangerous than any that had been denounced on the preceding evening. He was very glad to find that the language, inflammatory as it was, had produced no effect whatever. By the by, he must admit that it had produced some effect. The right hon. Baronet opposite (Sir J. Graham) had succeeded that evening in presenting a petition from 2,500 working people in Carlisle, rejoicing in the Income-tax. He did not complain much of this, because there was at least a kind of oscillatory consistency in the right hon. Baronet's language. In the inflamatory language which the right hon. Baronet held now, he recognised a kindred spirit to that which dictated the language held in 1830, when the right hon. Baronet pointed out to the execration of the people those whom he then represented as fattening upon the spoils of the people by means of their aristocratic influence in legislation, and whom he denounced as the birds of prey that fed upon the people. But he was happy to find, that beyond the demagogues of the Treasury Benches, the appeal had not been successful; that no meetings of electors had been disturbed by persons intruding their opinions upon a tax which they were not to pay. The Chartist press was not conciliated. He would read to the House a passage from the *National Association Gazette*, and he must say, that a fairer indication of all the intellect and good feeling which there was among the Chartists, could not be found than in that which proceeded from the pen of Mr. Lovett. The following was the passage to which he referred:—

> "Sir Robert Peel loudly boasted, that he would not tax the labourer. Loud as the boast was, it was still more loudly cheered, by the ignorant boobies who throng the seats of the House of Commons."

That, to be sure, was rather strong language, and not argumentative. But this was reasonable:—

> "It is ridiculous to suppose, that the means of one class of the community can be encroached upon, without the rest suffering."

The passage went on to show, that any tax which pressed upon the capital out of which labour was employed, must ultimately fall upon labour itself. He had thought it right to read that passage to the House, to vindicate the body of the working men from the suspicion that they had yielded to the arguments which had been held by Gentlemen opposite, and that they wished for the imposition of an Income-tax, because it would fall only on the rich. The working classes felt that the tax would press heavily on themselves, and they opposed it as an encroachment on the comforts of every man in England. He apologised to the House for thus, for the third time, detaining them so long, but the opposition to the measure assumed now a different form. They were not now opposing an Income-tax in the abstract, but they had the details and principles of the bill before them, and he was anxious to take that the first proper opportunity of expressing his opposition to the bill. He was not sanguine enough to imagine that he should succeed on the present occasion; but as one who had taken a strong part in opposition to the bill, he felt anxious to defend himself from the misrepresentations, to which it appeared all those who opposed either the bill or the Government were to be subjected. If a gentleman offered the slightest opposition to the immediate progress of the measure, he was told that his conduct was factious. It seemed to be the tactic of the Government to set up gentleman after gentleman to say, "Oh, you are stopping the tariff, which it is most important to the best interests of the country should be immediately considered." They had a right fully, freely, and fairly to discuss, not only the bad principle of this measure, but its still worse details; and if by so doing they delayed the tariff that was not their fault, but the fault of the Government. If the Government chose to press forward the Income-tax before the tariff, the responsibility of the delay must rest with the Government, and not with the opposition. He knew that he was fighting against a majority—he knew that it was an uphill fight, but he knew that the opposition to the Income-tax was grounded on reason and argument, and that when the tax came to be in operation—when the Englishman should find all his circumstances exposed to the inquiries of the tax-gatherer, then all the odium attaching to this inquisitorial impost would fall upon the Government, and every year that it should be kept up the stronger, the more determined, and ultimately the more successful would be the opposition. The hon. and learned Gentleman concluded by moving that the bill be read a second time that day six months.

Mr. *Ewart* said, that he fully concurred with his his hon. and learned Friend in the objections which he had urged against an Income-tax, but it did not necessarily follow that he was opposed to a Property-tax; on the contrary, it appeared to him, there existed a wide distinction between an Income-tax and a Property-tax. He had ever been in favour of a Property-tax, because he thought it a fair and direct mode of calling on the public to defray the expenses of the State. His hon. and learned Friend appeared to advocate the position, that indirect was preferable to direct taxes, and instanced the United States of America in support of that opinion; but he was sure the House would agree with him, that there was no analogy between the two cases. Let the wide disparity between the countries be remembered, and it would at once be seen, that the rule applicable to the one could not, with any propriety, be applied to the other. The limited interests of America, and its limited expenditure, altogether shut out the possibility of any comparison between America and England. Nevertheless, there were some points in the principles of taxation, which were used in America that might very advantageously be acted on in England. Although the Americans proceeded upon a principle of indirect taxation, yet they skilfully enough contrived to make the great burden of taxation fall upon the rich, or at least to press upon the poor much less than it did upon the wealthier classes, for they proceeded more upon the *ad valorem* rule than did any other country which was indirectly levying a property-tax. His hon. and learned Friend had also alluded to the case of France. He had told them of what the state of things in that country was of old: but he had not told them that in modern times, and under a constitutional Government, France still retained the system of indirect taxation, as was evidenced in the land-tax and a species of personal property-tax, from which a very considerable portion of the whole revenue of the country was derived. He, in common with many who sat around him, was in favour of the principle of a tax upon property. A property-tax took from the reservoir instead of the fountain of labour, and that was the reason why he supported it. To that portion of the measure now before the House which affected professional and mercantile income, he entertained the same objection and the same hostility as that which had been declared by Members generally on the Opposition side of the House; and if he wished to justify a property-tax, it would not be upon the partial and temporary principles upon which it was justified by the right hon. Baronet. He looked to a property-tax in a wide and large sense—he looked to it as a substitute for indirect taxation, as a means of enabling the Government to emancipate the commerce and industry of the country from the burdens which now pressed upon them. If taxation were removed from commodities imported and placed upon property, the commerce, manufactures, and industry of the country would be set free, and great national prosperity would ensue. It was with that large view, and not with the partial view of the right hon. Gentlemen opposite, that he looked upon the imposition of a property-tax. In his opinion the objection to the right hon. Baronet's scheme was, that it was not sufficiently comprehensive. Probably the righthon. Baronet felt that he could not accomplish all that he would wish at once; but the measure, as it stood, was only a very partial one; and, morever, by the avowal of the right hon. Baronet himself, it was to be only a temporary one; for if he understood the right hon. Baronet right, it was to last for three years—possibly for five years, but no longer. In his estimation, therefore, this measure did not possess the great and comprehensive character that ought to distinguish a property-tax. He owned that he could not consider a property-tax only as a war-tax. The question with him was this—"What is the best tax? Is a property-tax most suited to the circumstances of the country, or is it not?" He abjured altogether to the distinction between a war-tax and a peace-tax. He enquired only what was best for the country. If it were once proved that a property-tax was the best, then instead of making that tax temporary, applying only to a few years, he would make it permanent, varying the amount of it according to the circumstances and the wants of the country, raising more in war than in peace, and remitting portions of it as the expenditure of the country decreased. He repudiated the distinction that was attempted to be set up between a war-tax and a peace-tax. Commerce had its contests, contests as formidable as those of war. England at this moment was engaged in a commercial contest more formidable than all the military and naval contests into which she had ever embarked. She had now to compete with all the countries of the world—her manufactures and commerce no longer enjoyed the almost exclusive advantages which they possessed at the first dawn of peace. Competitors had sprung up in every direction, and were rapidly driving her from marts which before were all her own. It was necessary, therefore, that some great effort should be made to remove the burden of taxation from manufactures and commerce, and to place it, where it certainly ought to be placed, upon property. By far the most formidable rival with whom we should have to contend was America, and it was time for us to to look at the manner in which we were losing the strength which America was acquiring. According to the last returns from Liverpool, it appeared that emigration to the United States had increased tenfold—that men possessing capital, and who had been engaged in trade, were quitting this country and crossing the Atlantic; abandoning our shores and going over to our great rival, leaving behind them an indigent population, to which their capital, enterprise, and intelligence had previously given employment. On various grounds, he should say, that a property-tax was even more a peace than a war-tax, and he would add, that the tendency to favour a property-tax was an evidence of the temper of the times in which we lived. The general feeling was, that we could not cheapen subsistence otherwise than by transferring fiscal burdens from commerce to property. To pass now from the Income-tax to the tariff, he should say, that though the latter had much to recommend it, the right hon. Baronet had begun at the wrong end. It appeared to him (Mr. Ewart) to partake of the nature of what, architecturally speaking, would be called the inverted pyramid. There could be no fundamental reform of the commercial tariff which was not based on the repeal of the Corn-laws. The right, hon. Baronet possessed an opportunity of which he had not availed himself, to place our commercial system upon a sound basis, by affecting those fundamental changes of which the late Mr. Huskisson was the enlightened and strenuous advocate. He need hardly assure the House that he made these remarks without the least party motive. He was not insensible to the fact that by the new tariff several important improvements would be effected, and he entertained no doubt that some portions of the tariff would receive the support of many liberal men in and out of Parliament; but he could not admit so much without expressing his dissent from that portion of it which imposed a duty upon the export of coals.

On that point the right hon. Baronet had deserted the principle that prevailed in other portions of the plan. It was a blemish, unless removed this year, must be expunged from it at a future time. It would act as a discouragement to the commercial steam navigation, and consequently to their naval steam force. He rested all his support of the principles of commercial freedom on the assurance it gave that this country would become the great depôt of the world. Sir Robert Walpole, who, except Pitt and Huskisson, was the greatest commercial Minister the country ever had, said, in his famous excise scheme, that they ought to divide articles of import into two sorts, those which were to be taxed and those which were not to be taxed; they ought to impose duty on few articles, and to emancipate all articles as much as possible. So far as the right hon. Baronet has introduced his changes into the tariff, so far he was always moving in the right direction. He should wish him to cut out from the Income-tax all the obnoxious clauses, and to extend the amelioration of the tariff.

Sir *J. Walsh* could not fail to remark the striking difference of opinion that seemed to prevail amongst the Gentlemen opposite upon the subject of the proposed tax. One section of them came forward and contended that the Income-tax, in its present shape, was most inquisitorial—that it was most unequal in its pressure upon different classes of the community; that it would weigh down the springs of trade and commerce; and that in all respects, as applied to trades and professions, it was most unjust, and consequently would receive their strongest opposition. But on the other hand, another section sprung forth from the same benches, and declared that they were disposed, not only to admit the principle of direct taxation as applied to property, but to give to it their warm and cordial support, as an introduction of that great principle, which, in their eyes, would be the most valuable in the taxation and finance of the country. The right hon. Baronet at the head of the Government, and those who supported him, considered the Income-tax—to use a term applied to it by an hon. Member opposite—as the most valuable weapon in the armoury of the Exchequer; but the Government felt that it would be shorn of all its efficiency if those modifications of it were adopted, which hon. Gentlemen opposite proposed. Hon. Gentlemen opposite had also stated, that it was a tax which ought to be reserved for great emergencies, and they denied that the right hon. Baronet had made out any case of emergency to justify the Government in resorting to this extreme expedient. With the permission of the House, he would address a few observations to the first class of objectors—to those Gentlemen whose arguments were directed against the inequality and consequent injustice of the tax. It had frequently been admitted, in the course of the debate, that inequality in the abstract was essentially inherent in all taxes, and that they could not devise a tax which did not press unequally in its operation. To use the pithy words which he had read the other day in a magazine, he would say that a perfectly fair and just tax was very desirable, but such a tax would require omniscience to assess, and omnipotence to levy it. Inequality, therefore, was not a valid objection against any tax. Hon. Gentlemen opposite had endeavoured to make out that the tax would be less unjust and less unequal if it were exclusively applied to fixed property. He much doubted that assertion. He would remind the House, that all the acts which established the funded securities of the country, guaranteed the fundholders against any special direct taxation. When Mr. Pitt brought forward the Income-tax, and proposed taxing the funds, it was maintained by many, that to do so, would be to violate the pledge given to the fundholders by the different acts of Parliament; but Mr. Pitt contended, that the provisions of those acts were never intended to apply to so great and sweeping a measure as that which embraced the whole income of the country, and maintained that he was perfectly justified, under these circumstances, in imposing a general tax on the funds, in common with all other incomes. In his opinion, Mr. Pitt was correct, and the right hon. Baronet at the head of the present Government had done right in adopting the same principle. He thought, however, the case would be changed, if the partial taxation should be adopted which hon. Gentlemen opposite adverted to. He would contrast the mode in which the right hon. Baronet proposed to deal with landed property, and with incomes arising from professions. The right hon. Gentleman (Sir R. Peel) proposed to assess equally all incomes derived from trades and professions, upon a return of the net annual incomes of the three last years. The tax upon incomes derived from the occupation of land was to be assessed upon a return to be given to the tax collector of the actual rent, making deductions on account of certain specified charges; but, as far as he could learn, no deductions were to be made from the income of the owner of the property on account of repairs and other outgoings to which he was subject, and which could not amount to less than 20 per cent upon the rental; therefore, he said that those who derived their incomes from trades or professions were placed in a better position than the holders of landed property. The landed proprietor would have to pay his 2*l.* 17*s.* 8*d.* out of 80*l.*, whereas the professional man and trader would be taxed to the same amount only upon 100*l.* Then, as to the fundholder, it was well known that incomes arising from an equal amount employed in trade were far greater than could be obtained from an equal amount in the funds. A man who invested 20,000*l.* in the funds, or in landed property, would realise an income of only about 650*l.* a year, whereas if the same sum were invested in trade or commerce, he would not, in the event of success, obtain less than 2,000*l.* a year. He saw no reason, therefore, why the 2,000*l.* should go free, while 650*l.* should be taxed. It was argued that property invested in trade or manufactures was unstable, as compared with that which was invested in the public securities or in land. It was assumed that the property arising from trade would not be inherited, and that there was nothing to bequeath. He did not mean to contend that funded and landed property, on the whole, was not the more secure, but there were many trades in which the facilities for making a fortune were great, and in which the property was as capable of being transmitted to children, and of being dealt with in settlements and family provisions, as much as was property vested either in land or the funds. Then landed property was not free from the vicissitudes and uncertainty which applied to all human things. Of late years there had been many fluctuations in the value of land, and those whose property had, in consequence of the depression, become encumbered, had been reduced to great destitution. But was not the property engaged in many of the large trading establishments of this metropolis quite as secure as either funded or landed property? Take an income of 10,000*l.* a-year arising from one of our great London breweries, would not that be as certain as an income of 10,000*l.* a year arising from a landed estate? Many changes and revolutions might occur to affect landed property. but the taste of the British public for porter was proof against all revolution, He thought that hon. Gentlemen opposite would find inequality even under their own propositions, and by exempting incomes arising from professions and trades, they could not get rid of their own argument of inequality as affecting the incomes derived from landed property. But had the professions and trades any claim to be exempted? The whole effect of the remission of taxes for several years past had been to favour those classes. Take, for example, that tax which had been so often adverted to—the remission of the Post-office duty. It might be said, that that was a benefit shared by all classes; but he thought that it was shared in a larger degree by the trading and commercial interests than by private individuals. Had not the proposed changes in the commercial tariff the same object? Were they not intended for the relief of the commercial interests? This was not disputed by any one—it was acknowledged by all. It had been admitted by hon. Gentlemen opposite, and the hon. Member for Dumfries (Mr. Ewart) had acknowledged that night, that those changes would confer a great boon upon the classes to which he had alluded. Those who had gone into trade some years ago had done so with the knowledge of the taxes to which they were liable, and to the extent to which those taxes had been repealed those persons had been benefited. Then as to this deficit, how had it been incurred? Could they find nothing in the various items to be carried to the debit side of the commercial interests of the country? The war with China had been referred to in the course of these discussions, and it had been shown that a large portion of that deficit had been incurred on account of that war. And the expenses were not like those which would be required for carrying on the war in Affghanistan, and which would fall in the first instance upon the East India Company; but these expenses would fall entirely and directly upon this country. It might be said that Captain Elliot had been imprisoned, and that the honour of the country had thus been insulted and must be vindicated. But how did this collision take place in the first instance? The East India Company had carried on a trade with China for 200 years—a trade established on a secure if not on an extensive basis. He would not go into the question whether it was right or wrong to open the China trade, but would remind the House that the united voice of the trading and commercial community of the country was roused and brought to bear on Parliament for the purpose of having that trade opened. It was stated in the House at the time that the change would render a collision with the Chinese inevitable. They knew the foreign policy of the Chinese, yet hon. Gentlemen were unceasing in their demands that the House would open what was stated to be a boundless market for the British commercial interests. He admitted that it was a great object—an object worth struggling for, but it was not fair in hon. Gentlemen, the advocates of the commercial interests, to turn round and say, "You have adopted our suggestions—you have plunged this country into a great war for the purpose of obtaining a market for our commerce—you have engaged us in a war the success of which is doubtful, the morality of which is perhaps more so, the expense of which is at least certain, and the advantages of which are dubious." It was not fair in the commercial interests to say so, and at the same time claim, like the old noblesse of France, an exemption from taxation. He had not addressed himself to what he considered the main question at issue, viz., the emergency upon which the tax was grounded. That had been so ably argued that he was unwilling to take up the time of the House upon it. He thanked the House for their attention, and should trespass upon them for a short time longer. The right hon. Member for Edinburgh had stated that they were to look at the war in Affghanistan chiefly in a financial point of view. He thought the right hon. Gentleman right in that opinion, but he had been misunderstood. Considering this war, then, in a financial point of view, there never was one in India likely to be more expensive than that in which they were now engaged; and when he considered the immense distance—the great extent of country over which they would have to keep a line of communication—the necessity for preserving the English army again from defeat—considering that their efforts should be commensurate to the occasion, and that nothing should be left to hazard—he did think the Government were bound to provide for the exigencies of a war which, in all likelihood, would prove the most expensive of any which this country had undertaken in India. Hon. Gentlemen opposite had also alluded to the state of the foreign relations of this country, and the noble Lord the Member for London argued against resorting to an Income-tax in consequence of the effect which such a step would have on foreign nations. The noble Lord said that it might lead foreign countries to imagine that England was reduced to her last resources. In alluding to foreign affairs he was aware that it was a subject of peculiar delicacy. Yet it was one on which a private Member might speak his sentiments, and hold language which, coming from a Cabinet Minister, might be rash and unjustifiable. He was sorry to say that there existed in France a jealousy and a feeling of hostility towards this country, which he hoped the discretion and temper of the right hon. Baronet at the head of the Government would allay, but which no Member of that House, who regarded the interests of his country, would overlook. He had lately visited France, and he regretted to say that he found a strong hostile feeling against this country; and though the Government of the right hon. Baronet was not responsible for this, it yet behoved them to take into their consideration the consequences which might arise from such a state of things. But it was not by disguising the state of their finances that they could hope to guard against any difficulties which might arise with France. That country would have a much higher opinion of England when it saw them taking effectual means for remedying a temporary embarrassment. He had the greatest confidence in the right hon. Baronet at the head of the Government, and he would support the proposition for an Income-tax; but he did so on the distinct understanding that it was imposed to meet an emergency, for no modification of the tax would ever induce him to consent to its being substituted permanently for other taxes. He entertained sanguine expectations that the necessity would pass away and that trade would revive. When that period came, he hoped the House would not be prepared to continue a tax from motives of convenience which they had imposed from necessity. When that necessity ceased, he hoped the first object of the right hon. Baronet would be to remit a tax which, though most onerous in its nature, would yet be cheerfully borne by the patriotism and good feeling of the country so long as the necessity required it, but which he was perfectly confident the right hon. Baronet would not continue one moment longer than the circumstances of the country rendered it imperatively necessary.

Sir *W. Clay* concurred with the hon. Member who had just sat down as to the injustice of taxing fixed property and exempting property of a different description. He would not argue the general question, for he believed it was pretty nearly exhausted; and if it had been proposed to take a vote upon the question, without further discussion, he for one would have consented to it. But a debate having arisen, he hoped the House would indulge him whilst he endeavoured to point out what he conceived would be the effect of the proposed measure, in reference to a subject which had as yet been but little commented upon—he alluded to that portion of the plan which went to regulate the mode in which the tax should be levied upon the agricultural interest. The object of the right hon. Baronet in proposing to levy a tax of 3½*d.* in the pound, instead of 7*d.* upon persons engaged in agriculture, could not, he was sure, be from any unfair wish to excuse or favour the agricultural interest. He believed that the object of the right hon. Baronet was as he professed, to get at the profits of the farmers. Now, how did the right hon. Baronet propose to get at those profits? He takes the rent, and says "I will assume that the farmer's profit is half his rent." Now, he (Sir W. Clay) denied that rent and profits bore any relation whatever to each other. The assumption that they did so, proceeded from a false view of the principle by which rent is regulated. What is rent? The commonly accepted definition of rent among political economists, and doubtless, the sound one, was this; that rent consists of the surplus profit on capital employed in the cultivation of land beyond the profit that can be obtained by the application of the same amount of capital in any other mode of employing it. Now, let them suppose that the general rate of profit upon capital employed in trade was 5 per cent.; and that the profit on capital employed in the cultivation of land was 15 per cent.; in such cases, the rent would consist of the extra 10 per cent. It must, of course, be assumed that the general rate of farming profits is equal; and that whether the farmer rents fertile land or poor land, he will derive an equal return upon the capital which he employs. If it were true that all the land in the kingdom were of equal value, and required an equal outlay per acre to render it productive, then the just relation between the profit on the farmer's capital, and the rent he pays to his landlord might be found; but the fact was notoriously the reverse;—and the cases in which the scale of the right hon. Gentleman would give the true measure of profit of farming capital would be few in comparison of those when the result would be false; in most cases the scale would be either too high or too low. To make his meaning intelligible, let them take two farms of 300 acres each. In one case the land shall let at 15*s.* an acre, and in the other at 3*l.* an acre. The land at 15*s.* an acre would produce a rent of 275*l.*, the half of which would be less than 150*l.*, and the tenant would escape from the Income-tax altogether. But the land which let at 3*l.* an acre would produce a rent of 900*l.*, the half of which would be 450*l.*, and the tenant would be taxed at 13*l.* 10*s.* Now, was it at all clear in the latter case, that the tenant did make a profit of 450*l.*? On the contrary, there was not the slightest ground for supposing it. The capital employed on the 300 acres of poor land would yield as much profit to the tenant as the capital employed on the 300 acres of fertile land; the only difference would be in the rent. The rent on the fertile land would be very high, there being a large surplus of profit over the ordinary profits on capital; and the whole of that surplus profit would go to the landlord, whilst, in the case of the poor land, there would only be a small surplus of profit to go for rent. In this case, therefore, the scheme of the right hon. Baronet would work great injustice, because, in the one case, from a certain amount of capital which was yielding a fair and reasonable amount of profit, no tax would arise, while in the other case, the same amount of capital would pay a tax of 13*l.* or 14*l.* This was not a mere matter of curiosity, or a question interesting merely as a scientific problem; but it would have a very material effect in the practical working of the tax. As by the present arbitrary rule, an enormous proportion of farming capital was exempted from any contribution whatsoever. He believed he was justified in saying that throughout England, Scotland, and Wales, two-thirds of the farms were let at rents under 300*l.* a year. Taking the profits at half the rent, they thus exempted two-thirds of all the farming capital of the country from the Income-tax. The amount of the farming capital of the country was estimated at between 300,000,000*l.* and 400,000,000*l.* Now, by exempting two-thirds of this vast amount of farming capital from taxation, great injustice was committed on all the other classes of the country. Neither could he (Sir W. Clay) perceive any peculiarity in the nature of farming capital, or in the position of the farmer, that could justify this mode of levying the tax on this species of property. On the contrary, he could conceive many reasons why to this description of capital it should be far less objectionable to apply the inquisitorial process than to the capital of ordinary traders. A farmer was in a very slight degree dependent for success upon his credit, or upon the reputation of his wealth. He was not subject to the bankrupt-laws; his principal creditor was his landlord, and his principal disbursements were to his own labourers. An investigation into the affairs of a farmer could do him but little injury on the one hand, while on the other, the process of ascertaining the amount of his profits would be much more simple than in any other case. He therefore thought, that the proposed scheme of the right hon. Baronet, as regarded the farmers, was based on a fallacious principle. There was no general and certain relation between rent and profits, and the exemption of so large a proportion of farming capital from taxation was made without there existing anything peculiar in the position of the farmer to justify the exemption. The hon. Member went on to say that he was disposed to give the right hon. Baronet full credit for a large portion of his commercial tariff, and in the discussion of that tariff the right hon. Baronet should have whatever humble support it was in his power to give; although there were portions of it to which at the fitting time, he should be prepared to state his objections. He would only allude, then, to one point, because it was one from which a great loss would be occasioned to the revenue; he meant the alteration of duty on timber. That alteration had been justified on the ground that it would be a great advantage to the shipping interest. He thought this was a mistake; and the right hon. Baronet was making a sacrifice without any countervailing advantage. It was not true that Canadian timber was employed in mercantile-ship building in this country to any considerable extent. To the extent to which merchant ships built of Canadian timber could find profitable employment in the trade of this country, to that full extent such ships were built in Canada itself; and with builders in the colony, of course, builders there could not compete. For all other uses, the present duty on Canadian timber formed so very small a proportion of the price of the article that the reduction of the duty, while it was no great boon to the consumer, formed a considerable item in the deficiency of the revenue. He thought the right hon. Baronet had done wisely in reducing the duty on the superior description of timber, but it was of that reduction of duty the shipping interest complained. Nor did they consider the reduction of duty on colonial timber as any compensation. With respect to the comparative merits of the plan proposed by the late Chancellor of the Exchequer (Mr. Baring) and the one brought forward by the right hon. Baronet, he gave the preference to the former. He did not think the arguments of his right hon. Friend (Mr. Baring) had been answered. The right hon. Baronet might have been justified in calling for an Income-tax in a great emergency of the State; but he called for it before the emergency had arisen, and when it was left to every man to dispute the reality of that emergency; he should therefore support the motion of the hon. Member for Liskeard.

Mr. *Wakley:* Notwithstanding all that had been said with regard to this bill, he was still disposed to believe that a property-tax was the best tax that could be imposed, and he exceedingly regretted that the present bill was so framed that he could not give it any support. If the right hon. Baronet had proposed even a graduated income-tax and not a property-tax, he would have supported him most earnestly, because he believed that no tax could operate so justly in this country as a tax that came directly from the wealthy classes of the community. The part of the right hon. Baronet's opening speech which elicited the warmest approbation was that in which he denounced all taxation upon industry. The right hon. Baronet most emphatically dwelt upon that point; but was there no industry on the part of men who had incomes above 150*l.* a year? This tax was a direct tax upon the industry of all men who obtained an income above 150*l.* That was one of the strongest objections he entertained against the tax, because it could not be just to tax the produce of man's labour in the same proportion as they taxed income derived from a fixed capital. This was felt on the part of the public to be so great a grievance, and so intolerable, that he could assure the right hon. Baronet that he had by this measure laid the foundation for a graduated Income-tax. So far, therefore, he rejoiced at the position the right hon. Baronet had taken, because he was convinced it would lead to the adoption of a just system of taxation. He had received several letters on this subject. He would quote one of them. It was written by a person to show how unjust it was that he should be taxed precisely the same as individuals who had fixed incomes. The writer said :—

"To illustrate my view I freely and candidly state facts, but must beg of you not to make my name unnecessarily public. I rent business premises at 230*l.* a year. They are rated at rack-rent to the poor, police, highway, and sewer rate. The house, which is a small eight-roomed one, attached to the counting-house, in which there are seven widows, is charged in the assessed taxes with eighteen windows. In short, the whole of the assessed taxes for this place is 20*l.* 2*s.* 5*d.* per annum. The capital employed is small, being but 5,000*l.*; but, with industry, it enables me to employ thirty-four men, most of them with families. I keep fifteen horses, and ten waggons and carts, and altogether, the gross returns exceed 25,000*l.* per annum, which left, I admit, last year, a gross profit exceeding 5*l.* per cent. upon the whole, subject, however, as you must be aware, to deductions for bad debts. Supposing the 5,000*l.* was funded instead of used as above. The interest would be the only portion subject to the tax, say 170*l.*, which, at the rate proposed, would be about 5*l.* Now, if the 5,000*l.* being employed in trade is taken at 5*l.* per cent. interest, and taxed at the rate of 3*l.* per cent., the produce would be 7*l.* 10*s.* which mode would yield 50*l.* per cent. more upon the given sum of 5,000*l.* than if the same was funded. Yet no objection could be made. But if the premises are brought into schedule B, and the gross profits into schedule D, the class of society which you represent, namely, the tradesmen, or (as I would call them) the working bees, will contribute out of all proportion. I hope that this may be a groundless fear. I should say that it was, did I not see by Sir Robert Peel's figures, that he contemplates schedules B and D, that is, traders' rents and profits, to yield 1,370,000*l.*, while the funded property is estimated to yield only 646,000*l.* Again; it should be estimated what taxes the 5,000*l.* employed in trade now yields, in a direct and in an indirect way. Although the assessed taxes and the poor and police rates are not small items, and although thirty-four clerks and labourers are not a small number to be provided with the means of living out of the judicious and energetic employment of that small capital, its benefit does not stop there. No. There is the rent for the farmers' produce of hay, straw, and corn for the horses. There are the wheelwrights, the smiths, the harness-maker, stamp duty, paper, insurance, postage, &c., all aided, which must not be lost sight of. These remarks may be premature. It may be the Minister's intention to limit the tax to actual property, and if so, no Englishman ought to object. Few, I think, will. But, if the tradesman's energy and talent are to be taxed, in addition to his capital, I, for one, think that the tradesman will soon pass away, the working artisan and the labourer shortly made candidates for the union workhouses, and the country's character for enterprise be lost for ever. I now subjoin a list of Government and parochial taxes which I actually paid last year :—Assessed taxes, 20*l.* 2*s.* 5*d.*; stamps, 25*l.*; poor's-rate, 32*l.* 16*s.*; other parochial rates, 16*l.* 13*s.* 8*d.*; sewer rate, 5*l.* 11*s.*; total, 100*l.* 3*s.* 1*d.*; out of a capital of 5,000*l.*"

This was not an isolated case.—[Sir *R. Peel:* What was the clear profit or income realised by this person?] He could not tell. That would be for the assessor to find out. Very likely, however, the assessor would not rely upon the statement of this individual; and he might be surcharged. This the party might appeal against, it was true; but the right hon. Baronet proposed to carry that on in secret. To this secret tribunal he objected. Every man ought to have a public investigation if he wished it. If the commissioner should have a desire to act unjustly, the appearance of the public would serve as a check upon him. Would the party have the opportunity to have an open investigation before the local commissioner?

Sir *Robert Peel* was understood to say that the party would only have the option of going before the local commissioner, or before a special commissioner appointed by Government; but that he would not have the power to have the investigation carried on in public.

Mr. *Wakley* thought, that that was very unjust. The public ought to be present if the party wished it. He was bound to state that out of doors there was no strong feeling against an Income-tax. His impression was, that the people thought that in principle it was the most just tax that could be imposed; and it did the right hon. Baronet the greatest credit for the powerful and gigantic efforts he was making to overcome the present difficulties, and to meet any future disasters that might accrue to this country. That was his feeling, and it would be most unfair and ungenerous for him to deny it; nor would he deny it, whatever obloquy and abuse the course he was pursuing might bring upon him. He cared not for abuse. He was not tied to any party. He was bound to state the candid and naked truth. Beyond all question there was no system of taxation so fair and just as direct taxation upon property. Let the tax collector come into your house at once, without any disguise; and let him say, "I have called this morning for 35*l.*" The reply would immediately be, "What is this for?" The answer of the collector immediately follows: "It is for the Income-tax." This sets the tax-payer upon his reflection, and he says, "I want to know how this money is applied;" and in the space of a short time you thereby make every man a political reformer. Then it is, that he investigates, with extreme acuteness and perseverance, what becomes of the money which is abstracted from the fruits of his labour. It was matter, therefore, of rejoicing, that this country had a minister who would act thus boldly by the people. He was delighted to see this commencement of a sound course of legislation. There was no fraud, no deception, no deceit, no delusion in all this, and he hoped this system of taxation would be persevered in. He objected, however, to the present bill, because the sum that would be collected by it would not be adequate to the cruel nature of the inquisition it would introduce. The amount they were about to collect was only a fourteenth part of the revenue. If it had been a half he should have been delighted with the measure, for then the righthon. Baronet would have been able to take off many taxes which now pressed so heavily upon the energies of the people. He hoped that when the people should be made fully aware of the advantages of direct taxation they would overwhelm the House with petitions for the adoption of a graduated scale of taxation upon property andi ncome. The noble Lord the Member for London (Lord John Russell) agreed with the right hon. Baronet in opinion, that a sliding-scale could not be applied to a tax upon income. But he wanted to know why it could not? A sliding-scale was applied to the assessed taxes. It was applied to their horses, their servants, their carriages, and to their houses. He did not mean to say, that the gradations were carried out upon a just principle. On the contrary, he knew they were not. Take the window-tax, for example. For any window above eight a tax of 13*s.* was imposed; but when the windows were above 180, then the tax was only 3*s.* for each window. But his argument was this:—that if a graduated scale of duty could be applied to your horses, your carriages, your servants, your houses, and your windows, why could it not be applied to your acres, and to your thousands of pounds? He hoped that this question would be answered. He was perfectly satisfied that when those gentlemen who were now so anxious to have a sliding-scale applied to corn, had found by experience that it was equally applicable to money, they would derive the greatest gratification in finding their views of political economy carried out for the benefit of the people, who, he could assure those Gentlemen, never would rest until a sliding-scale should be applied to an Income-tax. When that should be proposed it would be hailed by the country as the best tax that ever was imposed. The principle of a sliding-scale was already applied to property in the instance of stamp duties, and though he was aware that it was made to press with undue weight on the masses, still all he argued for was the flexibility and applicability of the principle. His hon. and learned Friend (Mr. C. Buller) had said that taxation should be regulated in proportion to the amount that it would withdraw from a man's enjoyments. But who was to estimate what a man's enjoyments were? What he believed to be the just principle was this: that every man should be made to contribute in proportion to his means; and that special care should be taken in carrying out that principle, if possible, not to withdraw from any man the necessaries of life. The man of 200*l.* a year would lose nearly 6*l.* of his income while the man of 6,000*l.* would lose only about 180*l.* The 6*l.* taken away in the one case would deprive a man of some of the very necessaries of life, but of what comfort, of what luxury would the 180*l.* deprive the man of 6,000*l.* a year? If a man of 6,000*l.* a year, minus 180*l.*, could not obtain all the pleasures and gratifications he desired, he must be a very luxurious, avaricious, and unreasonable fellow indeed, and the more he was taxed the less he was to be pitied: such a man could hardly be taxed too severely. He would simply state the case of one of his constituents to show how unjustly and cruelly the tax operated. He was a clerk with from 150*l.* to 160*l.* per annum; he had a wife and four children, kept one girl as a servant at 6*l.* a year wages, and found, on casting up his year's account, that he was 11*l.* in debt. What was he to do? he must abridge some of the necessaries of life in order to avoid debt. He and his family left off sugar, and, to avoid the keep of the servant (the daughter of a man with a large family, who was a cripple), they sent her to live out of the House, merely paying her wages for occasional assistance. When it was as much as he could do to struggle with his difficulties came this Income-tax and overwhelmed him; it reduced him in fact to complete poverty. Moreover, the curse fell upon the very humblest classes also; for the poor servant-girl was necessarily turned adrift and sent home to her crippled father. What were the watch and clock makers of Finsbury to do under the tax? They earned from 150*l.* to 180*l.* a year; and even from this paltry sum a heavy deduction was to be made. The man who had 4,000*l.* in the funds did not pay one farthing, and if a man had 40,000*l.* in the funds he had only to divide it between ten members of his family, and set the tax at defiance. This was a case which might easily occur, and which the right hon. Baronet did not seem prepared to meet. The right hon. Baronet had vaunted of the tax he was about to lay upon Irish absentees, but how did he attempt to tax the many Irish absentees, not in this country, but in France, Germany, and Italy? The tax in fact would compel them to be absentees, not only from Ireland but from England. The farmers of England, too, had a right to complain: he knew some of them, and they asked him how it happened, that while the farmer of 300*l.* a year was made to pay in this country, he entirely escaped in Ireland? He could give them no answer, but that it was the will and pleasure of the right hon. Baronet. For these reasons, and with these objections he was obliged reluctantly, he owned, to vote against this tax: it was in principle the best description of tax that could be imposed, provided it were made equal in its pressure and fair in its collection; in that case it would have the effect, not merely of rescuing the country from its embarrassments, but of placing it in the proud situation it formerly occupied. He wished to face the financial difficulty, and to restore the public credit, but it must be done by requiring a proportionate sacrifice from men of all ranks by a graduated scale; and then, though an Income-tax was not to be compared with a Property-tax, he should hold it a great good, and should heartily support it. At present, framed as it was, he had no choice but to vote against it.

Mr. *D'Israeli* said, every Gentleman who had spoken, appeared to be of opinion, that new taxes in some form or other must be imposed, and that the country ought no longer to suffer under the evils of a financial deficiency; but scarcely any one had thought of inquiring into the causes of the deficiency. The budget of this year was characterised by a circumstance unprecedented in the history of the country. The right hon. Baronet had, for the first time, introduced into a financial statement an exposition of the state of the finances of our Indian empire. He confessed he was not astonished that the right hon. Baronet had taken this step. Such a course was wise and sagacious; and he thought, that any one who had watched the course of events, and the circumstances of our Indian empire for some years past, must have anticipated, that the time would arrive when the Minister of this country would announce that the finances of India must form an item in the British budget. A single Minister had the opportunity of governing 100,000,000 of people, and had the almost uncontrolled expenditure of a vast revenue, almost without the cognisance of his Colleagues; and when that was the case, a British House of Commons ought to exercise the same control over the resources of that country as they did over the revenue of England. If, financially, there was a reason why the House should interfere with the state of the revenue in India, politically there was no reason to refrain from so doing. The wars in central Asia were not the wars of the East India Company, but of England; and it was absolutely necessary that England should step forward and offer to take that responsibility which must ultimately devolve upon this country. It had been said, that the statements of the Minister in this respect were exaggerated and unnecessary. It was a matter of notoriety, that five years ago there was a surplus revenue for India and England, in round numbers, of nearly 2,500,000*l.* in each country. It was a matter of equal notoriety, that at this moment there was a deficiency for each empire, in round numbers, of 2,500,000*l.* Now, surely there could be no inquiry more legitimate than an investigation into the cause of this deficiency. But before going into this part of the subject he would take the liberty of alluding to one inaccurate statement which had been made with respect to the financial condition of India. It had been stated, that the Indian Government had raised loans at 5 per cent. But within the last few days he had been informed on very good authority, that money had recently been obtained in Calcutta at the high rate of 8½ per cent., and that, too, on landed security, the best security which could be offered. He could scarcely believe it possible, that the Government in India could obtain money at 5 per cent., when their previous securities were at a considerable discount in the market. He, therefore, thought these loans must have been raised on some false pretence—on some such representations as those which described the Indian revenue at 20,000,000*l.* when it was not more than 15,000,000*l.* It was necessary the House should obtain some accurate information on the subject. One fact was not disputed—that five years ago there was a surplus revenue on the two empires of 5,000,000*l.*, and at present there was a deficiency of 5,000,000*l.* It was rather curious, that the deficiency commenced almost simultaneously in the two countries. Generally speaking, our commerce had not declined, nor had our revenue diminished; but our expenditure had increased, and it was this increase of expenditure, both in India and England, that had destroyed the surplus revenue and created the deficiency. It was not very unreasonable to infer, that the same cause at the same time had destroyed the surplus revenue in both empires. And what was that cause? Not our commercial regulations or financial arrangements. It was the foreign policy of the late Government which had had this disastrous effect, and had rendered necessary the present increase of taxation. What was the policy which had produced this great expenditure and consequent deficiency? The country knew little about it. We were engaged in a war which had never been announced to Parliament by the Sovereign, which had never been developed by the Minister, and which had never been sanctioned by the nation. This was the war which had caused the deficiency complained of; and could there be a more legitimate matter of inquiry than to investigate the causes of that war? Not only was that inquiry legitimate, but it was the first duty of the House of Commons to investigate the causes of that war, which had been so disastrous—which had brought on the English arms the greatest disgrace in the records of modern history. A short time ago news arrived of a calamity which had filled the country with mourning and with shame—a calamity the consequence of that war—and when it was announced to the House, what occurred? A right hon. Gentleman rose in his place and said it was grossly exaggerated. He should like to know what authority the right hon. Gentleman had for making that statement. The very next arrival confirmed the accounts which had been previously received, and supplied additional details. No inquiry, however, had been announced into those circumstances which had entailed so much disgrace and dishonour upon the arms of England. He admitted, that the tax about to be imposed was one of a most odious and inquisitorial character. All parties agreed in the necessity of increased taxation, but no person inquired for a moment into the causes of that necessity. There used to be a doctrine once very fashionable with the noble Lord opposite—popular at least to some extent in the House—and that was the responsibility of Ministers. Nothing could be more remarkable than that a Government should have commenced a war without consulting the House of Commons—that they should have experienced the greatest disasters—destroyed the supplies of two great empires,—involved both empires in debt, and escaped from office without the slightest comment or inquiry. Nothing would be more astonishing than that they should be succeeded by a Government discreetly silent on the subject; but if the right hon. Gentleman at the head of the Government intended to originate no inquiry—he would remind the House, that there was one body in this country on whom the responsibility would ultimately rest, and that body was the House of Commons. The Parliament of England, which had never been consulted, was the assembly on which this responsibility would devolve. It was a remarkable circumstance, that when the contingency of a public bankruptcy in India was at this moment contemplated, and nothing but the vigorous conduct of the right hon. Gentleman had averted the evil—when hon. Gentlemen were nightly complaining that people might not present petitions against the taxes — when noble Lords announced, that they would divide the House on every occasion against this inquisitorial impost—it was remarkable that no Member had risen to inquire into the causes of this impost, and into the present state of both England and India. He had no intention himself of interfering in these debates. He believed, that the measure was necessary, not only from causes which were apparent, but from many others which might not be brought forward. The first duty which they ought to perform was, without reference to party, without giving any opinion on what was past, to investigate the causes which had led to the wars in India, and to the financial difficulties which had followed them.

Mr. *Christie* admitted that it was necessary to provide against the prevailing deficiency of revenue; the House ought to meet the evil in order to remedy it, and although he would not go over the grounds so often previously stated, he might be permitted shortly to explain his views, and his several grounds of objection to the Income-tax. First, he objected to it on account of its direct nature; it was the most oppressive and injurious of all direct taxes, in addition to which it was most odiously inquisitorial, and harassing to trade and commerce. He objected to it, because it gave full scope to the most malevolent feelings, because it engendered deceit and fraud—because it was most unequal in its operation, and always obtruded its inequality and injustice to the view. In one word, he objected to it as a tax which, as had been often expressed in those debates was so unequal, so harassing, so mischievous, so revolting to the feelings, that it can only safely be resorted to in one of those last emergencies in which a nation is apt to think and feel as one man, and which even then is resorted to by a wise Minister only for the exigency of the time, and for that with a most perilous responsibility. The right hon. Baronet has himself emphatically said, that "he was unwilling to establish the disgusting inquisition with which it must be accompanied," and would not support such a tax; but, said the right hon. Baronet, "the circumstances are different, and everything depends on the circumstances. At the time at which I spoke there was a surplus of 1,500,000*l.* There is now a deficit of nearly double that amount." It was then proposed to reduce taxes to the amount of 1,340,000*l.*, But if at a time when there was so large a surplus in the Exchequer, when considerable reduction of taxation could have taken place, and they could yet have steered clear of a deficiency, the right hon. Baronet thought it necessary to fence himself so warily against an Income-tax, and to shun reduction of taxation, surely when the surplus was turned into a deficiency, he should increase his efforts to avoid the tax of which he felt so righteous a horror, and arm himself tenfold to resist reduction of taxes. But what did he do with a deficiency of 3,000,000*l.* in a time which he describes as a time of war, and pregnant with disaster? He who in a time of peace, with a surplus of 1,500,000*l.*, shuddered at the slightest reduction of taxes, lest the imposition of an Income-tax might be made a few more shades more improbable, went and reluctantly gave up taxes to the amount of 1,200,000*l.*, and this by way of showing the consistency of his opinions, and his unabated desire to save the country, by every means in his power, from the horrors and disgusting inquisition of an Income-tax; and, by way of making his consistency more complete, he made a boast of his reductions. He boasted of the deficiency which his own tariff would produce, and he called upon the House to agree cheerfully to a tax to make up a deficiency which did not yet exist. He called the deficiency 4,000,000*l.* This was unfair; they had only a right to calculate it at 3,000,000*l.*, or rather 2,500,000*l.*, for to get beyond that they were obliged to resort to hypothesis and possibilities. And, as for the necessity of a resort to this mode of taxation, the same might have been urged as a reason for the proposed reduction in 1833; and if they practised patience then, they were much more bound to practise patience now. Their duty was to make up an annual deficiency of 2,500,000*l.* Certainly the first duty of the right hon. Baronet was to retain those taxes which already existed, to which the feelings of men had become accustomed, and which were, therefore, more easily levied than other taxes, the evils of which men knew not of; and then to make up the deficiency in any other way rather than the imposition of an Income-tax. The noble Lord the Member for London had ably detailed the mode in which this deficiency might be made up. They might easily raise the amount by resorting to taxes on articles of general consumption, which were not so oppressive as a direct tax; or go to a window-tax or a house-tax, which, though direct taxes, did not possess the unequal and inquisitorial features of an Income-tax. Oh! but he remembered that the right hon. Baronet had contended that all assessed taxes were as unequal as an Income-tax, falling alike on men of large and men of small incomes—men whose incomes were derived from land or the funds, from the precarious earnings of a trade or profession. Yes; but they fell on these in different degrees. Individuals had the power of rendering themselves liable to such taxes in proper proportions, to the extent and nature of their incomes. The man of 700*l.* a year derived from a profession or trade, lived in a smaller house, took care to have fewer windows, and kept fewer servants, than the man who has 700*l.* a year from land or from the funds. These taxes, therefore, had the faculty of adapting themselves to these differences in income, which the right hon. Baronet's Income-tax wantonly confounded. It was strange that the right hon. Baronet should not have seen the distinction; and when the right hon. Baronet gravely propounds so obvious a fallacy, he hoped the right hon. Baronet would excuse him in saying that the country might think he would hardly do himself or his Government an injury, by giving more frequent permission to his followers to speak for him. The right hon. Baronet had been pleased to be very facetious on a part of the speech of the noble Lord the Member for London, and on the arguments used by the noble Lord: but it was curious that the best supporters of the present measure were on the Opposition side of the House. The hon. Gentleman the Member for Dumfries had made a speech highly laudatory of the course pursued by the right hon. Baronet; and his encomiums consisted chiefly in the fact that the right hon. Baronet had resorted to the principle of direct taxation. The hon. Member dwelt, as far as he could understand him, upon the great benefit of direct taxation on account of the advantage it afforded to the enforcement of economy upon the Government. He, however, believed that without this tax there was a sufficient check upon the executive, for he believed there was a general unwillingness to pay money unnecessarily for the purpose of the Government. Then the hon. Member for Northampton (Mr. R. Currie) supported the right hon. Baronet for a different reason. He was willing to give the Income-tax as the price of the great and important concessions to the principles of free-trade to be made by the right hon. Baronet. He could not see those great concessions. Where did the hon. Member discover them? Did he find them in the Corn-bill, which he concurred with his party in scouting for its nothingness. Or in the tariff, with its high differential duties from the beginning to the end—a differential duty of 100 per cent on coffee; a heavy duty of 30*s.* a load on foreign timber, with only a nominal 1*s.* duty on colonial timber? If these were all the concessions that were to be made by the right hon. Baronet, he thought that the price which the hon. Member for Northampton was willing to pay for them was very extravagant indeed. Again, the hon. and learned Member for Bath was a supporter of the right hon. Baronet, and had yet another reason for his support. His opinion was, that the deficiency should be made up by means of economy and reductions carried through all the Government establishments; but he had no hopes in the present state of the House of finding his views succeed. It seemed, however, that there was a long way between a desire for economy, and the support of an Income-tax, which was, indeed, inconsistent with that desire; for if the right hon. Baronet once got the Income-tax, he would be placed far beyond the efforts of the people to wring from him those measures of economy which the hon. and learned Member desired. The whole support, indeed, of the hon. Member was inconsistent. He was at once the warmest eulogist, and most vehement opponent of the measure. He praised the measure as honest, fair, and straightforward, and then he laid his finger upon a principal feature as a cruel and gross injustice. He hoped, indeed, to amend it in committee, but his hon. and learned Friend, the Member for Liskeard had pointed out the impossibility of the hon. and learned Member for Bath getting rid of this obnoxious feature in the bill, and he would warn the hon. and learned Gentleman that all his attempts would be unavailing, and that the bill would come out of the committee just as it went in. This unrighteous inequality will remain. The man who makes two, three, or four hundred a year by pursuing a toilsome trade or profession, and who, out of these scanty earnings has to support a family, is called upon to contribute to the tax from which a man having a fixed permanent income of little less than 150*l.* a year—a single man, perhaps, but at any rate certain that his wife and child will enjoy, after his death, the income which he himself possesses, and infinitely better off, therefore, than the first, was exempt. He thought the very line drawn by the right hon. Baronet for exemption was one of the most unjust features of the measure. Persons whose incomes were under 150*l.* a year, were generally persons who were altogether accustomed to a most moderate expenditure, who have no care for keeping up what was called an appearance, and who had no difficulty in even living within their very small incomes. But go higher, and you arrive at incomes which entail necessities of expense more than proportionate to their increased amounts—entailed, not merely expenses for appearance sake, which they might not be disposed to view with indulgence, but expenses for education of children, whose mental and moral culture it would be the last struggle of a refined and high-minded parent not to permit to sink below the level of his own, or expenses even necessary for the pursuit of a profession by which, after many years of patient industry and frugality, the poor obscure beginner may attain to wealth and eminence, and acquire that reputation from which the nation derived lustre. Only consider the expenses necessary for pursuing the profession of the common law. Circuits, chambers, law-books cost the barrister from 200*l.* to 300*l.* a year, and if his fees amount to 600*l.* or 700*l.*, or even 1,000*l.* a year, out of which he has to meet the necessary expenses of his profession, and to support, perhaps, a growing family, you tax this man, to whom under any circumstance every shilling is of the utmost consequence, while you let free the man without the trouble and expense of a profession, or a family, whose income is under 150*l.* a year, in order that you might set up the character of the people's friends, while, at the same time, to conciliate the fund-holder and the landowner, you impose on them only the same tax you imposed on the precarious incomes derived from professions or trades. And for what was it that the right hon. Baronet was bringing upon himself all this odium and unpopularity, and was embarking on this suicidal course? Could it be, that party exigencies impelled him, and that, finding immediate difficulty and danger, in other courses, he flew to a danger that was more remote? His agricultural friends would not allow him to help the revenue by a moderate fixed duty on corn; besides that, the right hon. Baronet opposed such a plan last year, and even if he could depend upon his party following him—which he could not—he could not brave the public contumely that would await him if now, in office, and to preserve office, he espoused a principle of such moment, which, out of office, and to gain office, he had resisted. Neither would the landed interest allow him to do an act of obvious justice, which would also be fiscally expedient, in adopting the motion which was about to be proposed to the House by the hon. Member for Lewes (Mr. Elphinstone), and imposing taxes on the transmission of real, alike with personal property. And then, the tariff, designed to please the public, which party necessities would not allow him to gratify in other ways—and, at the same time, studiously ministering, in all important articles of consumption, to the interests of colonial monopolists. And for these two purposes, combining exorbitant differential duties with ostentatious reductions of duty, so that the public would derive much less benefit than would, at first sight, seem from the reductions; they still prevented fair foreign competition; no encouragement was given where such differential duties exist to commerce, which they said needed to be revived, or to manufactures, whose languishing condition they lamented but the colonial producer remains unscathed; and to do him the least possible harm, and the least possible good to the consumer, they inflicted the utmost possible injury on the revenue. The hon. Member for Stockport (Mr. Cobden) ably exposed, the other night, the faults and fatuities of this tariff. The sin of a high differential duty pervaded it. A high duty was necessary to avoid offence to a class on which the right hon. Baronet's power greatly depended. And this high differential duty necessitated a greater reduction of duties for the other purposes of popularity after which the right hon. Baronet so anxiously desired, but which it was so difficult for him to attain. Here again, therefore, party exigencies operated to assist in driving the right hon. Baronet to this Income-tax. He viewed the tax as a tax for the maintenance of a party, and this was one of the chief reasons why he gave his cordial support to the amendment of his hon. Friend, the Member for Liskeard.

Mr. *Percy S. Smythe* said, that the hon. and learned Gentleman who had just sat down had dealt out his censure and his counsel to all those hon. Members on either side of the House who were inclined to support the present motion, but had wholly failed in making out any argument against it. The hon. Member for Liskeard, too, not content the other night with making a fierce attack upon the boroughmongering aristocracy, he himself having sat for the close borough of West Looe, had again come forward to oppose the present measure, but was not more fortunate in enunciating the principle which he would adopt. He agreed, however, in one part of the hon. Member's speech, where he said that they were called upon them to discuss the merits or demerits of an Income-tax. Many Gentlemen might think that it was partial, and therefore objectionable; that it was inquisitorial, and therefore oppressive, and yet feel themselves constrained to vote in its favour from a deep sense of the exigencies of the country. It was not a question between the merits of the budget of the last and present year, of the superiority of direct over indirect taxation. Some might prefer indirect to direct taxation, and yet feel constrained to surrender their individual and private opinions. Some Gentlemen, again, might prefer other modes of direct taxation, such as had been before resorted to, and yet vote for the motion of the right hon. Baronet, because they believed as he did, that this was exclusively a question of confidence. Even hon. Members on the other side of the House did not say that circumstances might not justify and might not even require the imposition of an Income-tax; their opposition, therefore, was not one of principle. All they said was, that present circumstances did not justify it. Because Europe was not involved in actual war, because France was not invaded, because the ramparts of Vienna and of Berlin were still secure, and because the Rhine was still German — could they see no danger, and would they make no exertion? Mr. Burke had often talked of the school of geographical morality. Match him, this sample of geographical statesmanship. Was the march across the Indus less important, or did it require less exertion, than if it took place nearer our own doors? Suppose these occurences had taken place at Madrid—suppose a British envoy had been murdered in cold blood—suppose the British residents had been butchered in defiance of a convention — suppose the army had been treacherously betrayed and cut to pieces—and then would they tell him that, because these things happened in one peninsula, they were to be treated with inertness and carelessness; whereas, if they had occurred in another peninsula, they would have insured the utmost sympathy and energy? Let not that indifference, which had reduced Clive to suicide, and Hastings to beggary and proscription, and which would fain have detracted even from Lord Wellesley's magnificent proconsulate, find a support; let it not be said within the walls of Parliament that the evil spirit was allowed to make light of these difficulties and these dangers. They must look with circumspection to the events in the East. Although two Secretaries of the Board of Control had spoken, they had carefully shirked all reference to the affairs of India. Let them, however, reflect upon the inevitable effect which continued disasters in that country would have upon England. Let them remember, that if war, should shut out from us the United States or the Brazils, we might have to resort to India for our cotton and our sugar. Let not, then, our difficulties be underrated. If they were underrated here, they were not so abroad. If they looked at the conduct of the French opposition during the recent debates, they might even think those difficulties overrated; but whilst they existed, he found in them his justification for his vote. If he wanted any further justification for the imposition of the Income-tax, he found it in the speech of the gallant Commodore the Member for Marlebone, who stangely enough opposed the tax, and yet said, that if the British fleet in the Mediterranean in 1840 had encountered a hostile fleet, it would not have been victorious, and who followed up that statement by saying that he never remembered such a crisis as the present, except on two occasions, with reference to which, perhaps, he might be biassed by his professional feelings in giving too much importance—the mutinies at the Nore and at Portsmouth. These were his reasons for supporting the present measure. Admitting that it was a tax repugnant to the practice of the constitution—admitting that the feelings of a large body of the people were opposed to it—admitting that it partook somewhat of the dictatorship of ancient Rome—inimical to the common practice of the Constitution—yet he believed that like that, it was, in such a crisis as the present, a just, an equitable, and a necessary measure.

Mr. *W. O. Stanley* hoped, after the various remonstrances and representations that had been addressed to the right hon. Baronet, that he would consent to some modification of the tax. The noble Lord (Lord J. Russell) had pointed out the other night how completely, in the case of coppers, an advantage was about to be given to the mines of Cuba, and that ought to show him the necessity of well weighing his propositions before he brought them finally before the House.

Mr. *Scott* said, though he had a very shy feeling of the inexpediency of the measures brought forward by the Government, he did not mean to throw any opposition in their way. The question before them was, whether this was the time to impose such a tax? It appeared to him that the origin of the tax was to be traced to a wish to maintain monopoly. If the measures proposed by the late Government were carried, they would have a far less deficiency to provide for, and the interests of trade would be materially benefited. That was his opinion, and he also thought, that those great advantages were set aside for the sake of the landed interest. That being his opinion, he thought that a land-tax was the best to be proposed; and if that were the tax, it would have his cordial support. If the tax were proposed to relieve the consumers, it would be another thing; but the right hon. Baronet proposed it for a temporary purpose, not for the sake of relieving the people from the taxes on consumption. The tax he proposed was not a tax on property, but it was an Income-tax, which was the worst that could be resorted to. If, instead of taking trades and professions, the right hon. Baronet taxed property, he would give him his cordial support. With regard to the time the tax was to continue, he thought that the difficulties and inquisition, which attended it, would prevent any fear as to its being borne for any considerable time by the people. In its own nature the tax was unjust, but in its practical working out it was rendered ten times more unjust, and, therefore, it was one which the House ought not to press. The measure gave a temptation to dishonesty, which the House ought not to sanction. Upon these grounds, and believing the right hon. Baronet had not made out a case to justify the imposition of the tax, he should enter his protest against it.

The House divided on the question, that the word now stand part of the question:—Ayes 155; Noes 76:—Majority 79.

List of the AYES.

Acland, T. D.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Astell, W.
Attwood, M.
Bailey, J.
Bailey, J., jun.
Baillie, H. J.
Baird, W.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, Sir R.
Beresford, Maj.
Blackburne, J. I.
Blake, M. J.

Blakemore, R.
Bodkin, W. H.
Borthwick, P.
Botfield, B.
Broadley, H.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burroughes, H. N.
Campbell, A.
Carnegie, hon. Capt.
Chapman, A.
Chetwode, Sir J.
Christopher, R. A.
Chute, W. L. W.
Clements, H. J.
Clerk, Sir G.
Clive, Hon. R. H.
Cockburn, rt h. Sir G.
Conolly, Col.
Coote, Sir C. H.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Cripps, W.
Currie, R.
Damer, hon. Col.
Darby, G.
Dawuay, Hon. W. H.
D'Israeli, B.
Dodd, G.
Douglas, Sir H.
Douglas, J. D. S.
Dugdale, W. S.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Farnham, E. B.
Fitzroy, hon. H.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Godson, R.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Grogan, E.
Hale, R. B.
Halford, H.
Hardinge, rt. hn. Sir H.
Hardy, J.
Heathcoate, Sir W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hillsborough, Earl of
Hinde, J. H.
Houldsworth, T.
Holmes, hon. W. A'C.t
Hope, A.
Jackson, J. D.
Jermyn, Earl
Johnson, W. G.
Jones, Capt.
Lascelles, Hon. W. S.
Lawson, A.
Liddell, hon. H. T.
Lindsay, H. H.
Lopes, Sir R.
Lygon, Hon. G.
Mackenzie, T.
Mackenzie, W.
Mackinnon, W. A.
Mahon, Visct.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Masterman, J.
Meynell, Capt.
Mordaunt, Sir J.
Morgan, O.
Munday, E. M.
Neeld, J.
Newport, Visct.
Nicholl, rt. hon. J.
O'Brien, W. S.
Ossulston, Lord
Packe, C. W.
Paget, Lord W.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Praed, W. T.
Price, R.
Pringle, A.
Rashleigh, W.
Reade, W. M.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Round, C. G.
Round, J.
Ryder, hon. G. D.
Scarlett, hon. R. C.
Scott, hon. F.
Seymour, Sir H. B.
Shirley, E. P.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Tollemache, hon. F. J.
Tollemache, J.
Tomline, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Vere, Sir C. B.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Whitmore, T. C.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Aldam, W.
Archbold, R.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Bell, J.
Berkeley, hon. Capt.
Bernal, Capt.
Blewitt, R. J.
Bowring, Dr.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, hon. W.
Cave, hon. R. O.
Christie, W. D.
Clay, Sir W.
Clements, Visct.
Cobden, R.
Colborne, hn. W. N. R.
Collins, W.
Crawford, W. S.
Denison, J. E.
Duncan, G.
Duncombe, T.
Fielden, J.
Fitzroy, Lord C.
Forster, M.
Gill, T.
Grey, rt. hn. Sir G.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Heathcoat, J.
Howard, hn. C. W. G.
Humphery, Mr. Ald.
Hutt, W.
Langston, J. H.
Macaulay, rt. hn. T.
M'Taggart, Sir J.
Mitcalfe, H.
Morris, D.
Morrison, General
Murphy, F. S.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, J.
O'Connell, J.
Parker, J.
Plumridge, Capt.
Pryse, P.
Reddington, T. N.
Rundle, J.
Russell, Lord J.
Scott, R.
Seale, Sir J. H.
Smith, B.
Smith, rt. hon. R. V.
Somerville, Sir W.
Stanley, hon. W. O.
Staunton, Sir G. T.
Thornely, T.
Tuite, H. M.
Turner, E.
Villiers, hon. C.
Vivian, hon. Major
Vivian, J. H.
Vivian, hon. Capt.
Wakley, T.
Wall, C. B.
Wawn, J. T.
Williams, W.
Wood, B.
Wood, C.
Wood, G. W.

TELLERS.

Buller, C.
Tufnell, H.

Not Official.

Paired off.

AYES.	NOES.
Cochrane, A.	Duncan, Visct.
Tyrrell, Sir J. T.	Philips, G. R.
Master, Col.	Easthope, Sir J.
Gore, O.	O'Connell, M. J.
Cardwell, E.	Granger, T. C.
Douro, Marq.	Hill, Lord A.
Shelborne, Earl of	Oswald, J.
Eastnor, Visct.	Hollond, R.
Codrington, C. W.	Dalmeny, Lord
James, Sir W. C.	O'Brien, C.
Bell, M.	Ogle, S.
Johnstone, J. H.	Murray, A.
Duncombe, Hon. A.	Dalrymple, Capt.
Campbell, Sir H.	Maule, rt. hn. F.
Forbes, W.	Rutherfurd, rt. hn. A.
Hill, Sir R.	Ferguson, Col.
Balfour, J. M.	Dundas, hn. J. C.

Feilden, W. J.	Gordon, Lord F.
Charteris, hon. F.	Duff, J.
Manners, Lord C.	Byng, G.
Egerton, Sir P.	Townley, C.
Sturt, H. C.	Howard, Sir R.

Bill read a second time.

WAYS AND MEANS — EXCHEQUER BILLS.] The House in a committee of Ways and Means.

Sir *G. Clerk* moved, that a sum of 9,100,000*l.* should be raised by Exchequer-bills for the service of the year.

Mr. *Blewitt* begged to ask, whether there was an intention of making any alteration in the provisions of the law relating to Savings-banks, which enabled the Government of the day to do what was called tampering with the funds placed in those banks, by issuing Exchequer-bills in exchange for the money of the depositors?

The *Chancellor of the Exchequer* said, he had no intention of proposing any alteration of the law as to the mode in which the commissioners of the national debt had the power of investing the money paid into the Savings-banks by the contributors. He had already stated, that the course which was pursued had no tendency to impair the interests of those who placed their money in the Savings-banks.

Vote agreed to.

House resumed.

RAILWAYS.] Order of the Day read for the reconsidering the report of the Railways-bill. Bill to be recommitted.

On the question that the Speaker leave the Chair,

Lord *J. Russell* thought, there ought to be some general understanding as to the succession in which business was to be brought on, in case of one particular order not occupying so much time as had been expected. There were many Gentlemen interested in the subject now before the House, and anxious to discuss it, who might not now be present in consequence of its not being expected to be brought on.

Sir *R. Peel* perfectly agreed with the noble Lord, that there should be some such understanding, and he should take care, as far as possible, in future, to give notice of the succession in which the orders of the day were to be brought on, in case any particular order should not last so long as had been anticipated; but he must urge as his excuse on the present occasion, that, after the formidable announcement made by the noble Lord with reference to the second reading of the Income-tax Bill, he had hardly expected that the discussion would have been over at half-past nine, and that there would have been only seventy-six Gentlemen on the other side of the House. He had thought the great debate would have been on the second reading, and had never anticipated so early a termination of it. He must, however, apologise to the noble Lord for not having given notice, and should take care, as far as possible, to give sufficient intimations of the course of business in future.

Mr. *V. Smith* said, he believed that the right hon. Gentleman the Under Secretary to the Board of Trade had given no notice of an intention to proceed with this bill to-night; and, as far as Members on the Opposition side had been able to collect, the intention was to proceed with the ordnance estimates, and it was only on account of the absence of the hon. Gentleman who was to move them that the House was called upon to proceed with a discussion for which no one was prepared.

Mr. *Gladstone* observed that the majority of the Gentlemen who had given notice of amendments on the bill were present, and so far the House was prepared for the discussion.

Lord *J. Russell* said, he had observed an anxiety on the other side to prevent Gentlemen from speaking even in favour of the Income-tax, and that had tended to bring the discussion to a conclusion early.

Sir *R. Peel* said, he had not observed anything of the kind. He could assure the noble Lord that he had offered no obstruction to any Gentleman speaking. He certainly had been afraid that the House would have been counted out at one time.

House in committee.

The clauses of the Railway Bill to the 10th inclusive were agreed to. On clause 11 being proposed, which compels occupiers of land to keep gates and private roads erected by sides of railways properly fastened between railways and the adjoining ground,

Sir *W. Jolliffe* expressed regret that the bill had been proceeded with. With respect to this clause he thought it should be omitted, and that it would be much better to leave the law as it stood. He thought the right hon. Gentleman was somewhat hasty in respect to this bill.

Mr. *Gladstone* said, that as the clause dealt with minute legislation, it was necessary that it should be carefully framed. The object of the clause was to insure that gates connected with private rights of way over railways should be kept properly locked or secured, and the public safety demanded that proper provision on this head should be made. He meant, however, that this clause should be reprinted, and if then it should be found not to give satisfaction, he would be ready to withdraw it. The clause, however, was not a new one. It was similar to one in the Grand Junction Railway Act, and which had been found to work exceedingly well.

Mr. *Labouchere* thought it highly important that proper provision should be made for the keeping of such gates locked.

Sir *W. Jolliffe* contended that the Railway Companies, and not the owners or occupiers of land, should be the parties to see after these gates. He thought it would be impossible to carry out the clause as it stood.

Mr. *C. Russell* said, that as the gates in question could only be used by the owners and occupiers of the land, it was but reasonable that they should be responsible for their being kept locked up or properly secured, so as to avoid danger to the public.

Mr. *Labouchere* did not care on which party the responsibility fell, provided sufficient security were given that the gates should be kept locked or secured.

Mr. *Henley* said, that such a burden should not be thrown upon the farmers along the line, and therefore, if the hon. Baronet went to a division, he should support him.

Mr. *Tatton Egerton* disapproved of the clause, and thought that there would be no hardship in obliging the railway companies to undertake the charge of these gates.

Sir *T. Wilde* thought the responsibility should be on the railway.

Sir *W. Jolliffe* said, he should feel it his duty to take the sense of the House upon his motion.

The committee divided on the question that the clause stand part of the bill:— Ayes 103; Noes 104: Majority 1.

List of the Ayes.

Ackland, Sir T. D.
Acland, T. D.
Adare Visct.
Aldam, W.
Alford, Visct.
Bagot, hon W.
Baillie, Col.
Baring, H. B.
Baring, rt. hon. F. T.
Beresford, Capt.
Bernal, Capt.
Bodkin, W. H.
Boldero, H. G.
Bowring, Dr.
Broadley, H.
Brotherton, J.
Bruce, Lord E.
Buller C.
Buller, Sir J. Y.
Campbell, Sir H.
Cardwell, E.
Chelsea, Visct.
Clerk, Sir G.
Codrington, C. W.
Colebrooke, Sir T. E.
Corry, right hon. H.
Craig, W. G.
Damer, Hon. Col.
Darby G.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Duncan, Visct.
Dundas, G.
Duncombe, Hon. A.
Ewart, W.
Ferguson, Col.
Feilden, W.
Filmer, Sir E.
Fleming, J. W.
Forbes, W.
Fox, C. R.
Gladstone, rt.hn.W.E.
Goring, C.
Graham, rt. hn. Sir J.
Granger, T. C.
Hale, R. B.
Hardinge, rt.hn.Sir H.
Hardy, J.
Herbert, Hon. S.
Hinde, J. H.
Holmes, Hn. W. A'Ct.
Hornby, J.
Howard, P. H.
Howard, Sir R.
Jermyn, Earl
Johnson, W. G.
Johnston, A.
Knightley, Sir C.
Labouchere, rt. hn. H.
Lincoln, Earl of
Lyall, G.
Mahon, Visct.
Mitcalfe, H.
Mitchell, T. A.
Morgan, O.
Morris, D.
Munday, E. M.
Murray, C. R. S.
Neville, R.
O'Brien, W. S.
O'Connell, M. J.
Ogle, S. C. H.
Parker, J.
Peel, rt. hon. Sir R.
Peel, J.
Philips, G. R.
Philips, M.
Phillpotts, J.
Pollock, Sir F.
Pringle, A.
Rashleigh, W.
Reade, W. M.
Rundle, J.
Scarlett, Hon. R. C.
Stanley, Lord
Stanton, W. H.
Strutt, E.
Sutton, hon. H. M.
Thompson, Mr. Ald.
Thorneley, T.
Towneley, J.
Trench, Sir F. W.
Tuite, H. M.
Verner, Col.
Wallace, R.
Whitmore, T. C.
Williams, W.
Williams, T. P.
Wood, G. W.
Wyndham, Col. C.
Young, J.

TELLERS.
Freemantle, Sir T.
Russell, C.

List of the Noes.

Ackers, J.
Adderley, C. B.
Allix, J. P.
Arbuthnott, Hon. H.
Archbold, R.
Armstrong, Sir A.
Bailey, J. jun.
Baird, W.
Bannerman, A.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, J.
Berkeley, hon. C.
Berkeley, hon. Capt.
Blake, M. J.
Blewitt, R. J.
Borthwick, P.
Browne, hon. W.
Buckley, E.

Burrell, Sir C. M.
Campbell, A.
Chute, W. L. W.
Clayton, R. R.
Clements, Visct.
Cobden, R.
Cochrane, A.
Collett, W. R.
Colvile, C. R.
Curteis, H. B.
Duff, James
Duncombe, T.
Egerton, Sir P.
Ferguson, Sir R. A.
Fielden, J.
Forester, hon.G.C.W.
Fuller, A. E.
Gill, T.
Gordon, Lord F.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Hall, Sir B.
Hamilton, C. J. B.
Hamilton, W. J.
Hastie, A.
Hay, Sir A. L.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Hodgson, R.
Ingestrie, Visct.
Inglis, Sir R. H.
Irton, S.
Jackson, J. D.
James, W.
Johnstone, Sir J.
Kemble, H.
Langston, J. H.
Legh, G. C.
Lemon, Sir C.
Lockhart, W.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Master, T. W. C.
Miles, P. W. S.
Miles, W.
Murphy, F. S.
Murray, A.
Napier, Sir C.
Neeld, J.
Norreys, Sir D. J.
O'Brien, A. S.
O'Brien, C.
Paget, Col.
Plumptre, J. P.
Power, J.
Pryse, P.
Pusey, P.
Redington, T. N.
Rushbrooke, Col.
Scott, hon. F.
Sheil, rt. hon. R. L.
Smith, rt. hn. R. V.
Smollett, A.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stuart, H.
Strickland, Sir G.
Talbot, C. R. M.
Tollemache, hn. F. J.
Tollemache, J.
Tuffnell, H.
Tyrell, Sir J. T.
Vivian, hon. Major
Waddington, H. S.
Wason, R.
Watson, W.
Wawn, J. T.
Wilde, Sir T.
Wood, B.

TELLERS.

Joliffe, Sir W. G. H.
Egerton, W. T.

Clause expunged.

Mr. *Labouchere* hoped the right hon. Gentlemen opposite would be able to suggest some less objectionable mode of attaining the object in view.

Mr. *Gladstone* said, he would endeavour to do so at some future stage; but he feared the farmer would be under greater disadvantages if the key were taken from him and given to the railway company.

On clause 16,

Mr. *Labouchere* objected to the clause, as making an invidious distinction between parks and pleasure grounds and the property of poor persons.

The *Attorney-General* denied that there was any such distinction, and said the cottage garden of the humblest labourer was as much protected by the clause as the rich man's park.

Clause withdrawn in order to be amended.

Remaining clauses agreed to.

Mr. *Hardy* moved that the following clause be added to the bill:—

"And whereas many fatal accidents have happened in consequence of carriages containing passengers on railways being placed next or near to the engine drawing such carriages; now be it enacted, that whenever there shall be a train comprising carriages with passengers therein, such carriages shall be so placed in such train that the first of them shall be separated from the tender of the engine drawing the train by two or more carriages not containing any passenger therein, and by a space of not less than twenty feet between every such tender, and the first carriage having any passenger therein."

The hon. Member observed that the want of such precautions as he had provided in this clause had been the principal cause of the accident on the Brighton Railway, and the remedy which he proposed was so simple and so easily adopted that he did not apprehend any objection on the part of the railway companies.

Clause read a first time.

On the question that it be read a second time,

Mr. *C. Russell* opposed the motion. The clause just proposed by the hon. Member showed the danger of persons not possessing practical knowledge interfering in these matters. If the carriages which he (Mr. Hardy) proposed should intervene were light, they would be most dangerous. If filled with luggage or other goods, they should weigh seven or eight tons in order to be safe. This would be an additional weight of sixteen tons at the head of each train. But as many accidents had taken place at the back part of the train as at the head, so that two more would be required there, which would make an additional weight of thirty tons altogether. Now the entire weight of the light trains was generally only about sixty tons, and the hon. Member's motion would thus, if carried out, increase it by one half. It would, therefore, become necessary to have two engines to the trains; but the second clause which the hon. Member had to propose said that this should not be. Again, if the trains were made very numerous, the objection would be advanced that this would produce a multiplication of dangers. To legislate on these practical points would be to involve the House in the greatest difficulty.

Mr. *Gladstone* said, he thought the object proposed by the hon. and learned Member would not be attained by the clause submitted to the committee. Lengthening the train would be found to produce great inconvenience, and merely from this circumstance danger to the life of the passenger would be incurred. It was also of importance that the trains should not be encumbered by the necessity of carrying two carriages, weighing from fourteen to sixteen tons, as mere dead weight, in order to prevent the danger apprehended from passengers' carriages being placed next to the tender and engine. He should, therefore, notwithstanding he was as anxious to prevent the recurrence of accidents as the hon. and learned mover, oppose the clause.

Mr. *S. O'Brien* suggested that a power should be given to a jury to award compensation to the relatives of those who should have suffered fatal accidents on railways.

Mr. *Ewart* hoped the Attorney-general would include a remedy to that effect in the bill. It was an anomaly in the English law.

The *Attorney-General* said, there was no compensation for the death of a human being in law, because it was either an accident or a felony. He thought, however, that something should be done for the families of sufferers by railway companies.

Mr. *Hardy* replied, his only motive in bringing the clause forward was to provide for the safety of human life, as he had had a fearful experience of th -sequences of accidents on railways.

Mr. *Hardy* withdrew the clause.

Mr. *H. Hinde* moved the insertion of the following clause:—

"And whereas, by various acts relating to railways, it is provided that the companies shall cause to be painted on boards, and to be affixed and continued, and renewed as often as the same shall be obliterated or defaced, to or upon every toll-house or building at which any rates or tolls shall be collected or received, in some conspicuous place, in large and legible characters, an account or list of the several rates and tolls which the said company shall from time to time direct and appoint to be taken: and, whereas, it is for the public convenience that the said list of rates and tolls should be printed and affixed within every station house, or other place where such rates and tolls shall be payable; be it enacted, that it may be lawful for any railway company to affix such printed list of rates and tolls in a conspicuous situation within every station-house or other building where such rates or tolls are collected, instead of affixing such boards painted as aforesaid; and that such company shall be held to have complied with the provision of the said acts as effectually as if the said table of rates and tolls had been painted on boards and affixed to such toll-house or building; and that such rates or tolls shall be payable, and may be demanded and taken during the time in which such printed lists are affixed as aforesaid, in the same manner as they are authorised to be demanded and taken during the time that such boards shall remain so affixed."

Mr. *Gladstone* opposed the introduction of the clause as being a matter of mere regulation of rates and tolls, which it was perfectly proper to confide to the discretion of the railway companies themselves.

Mr. *H. Hinde* said, unless there was some objection upon principle to the clause he should take the sense of the committee upon it.

Mr. *Brotherton* moved, that the Chairman do report progress and ask leave to sit again.

Motion agreed to, House resumed. Committee to sit again.

House adjourned.

* * *

HOUSE OF LORDS,

Monday, April 25, 1842.

MINUTES.] BILLS. *Public.*—3^{a}' and passed:—Ecclesiastical Residences; Incumbents Leasing; Ecclesiastical Corporations Leasing; Spirit Duties (Ireland).

Private.—1^{a}· Cottenham Drainage; Sewell's Divorce.

2^{a}· Kingsclere Inclosure; St. Austell Market; Ormesby Inclosure; Birmingham and Derby Junction Railway; Glasgow, Paisley, Kilmarnock, and Ayr Railway; Western-super-Mare Improvement.

3^{a}· and passed:—Edinburgh and Glasgow Railway.

PETITIONS PRESENTED. By the Marquess of Londonderry, the Earl of Eldon, the Earl of Wicklow, and the Earl of Mountcashel, from Newtonards, Dundonald, Ardinglass, Fermoy, and other places, for the Encouragement of Schools in connexion with the Church Education Society for Ireland.—From the Boot and Shoemakers of Galway, against the proposed Reduction of Duty on Foreign Boots and Shoes.—From Shepton Mallet, in favour of Church Extension.—By the Earl of Winchilsea, from Lawshall, against any further Grant to Maynooth College.—By Lord Denman, from Liverpool, Glasgow, and Stourbridge, in favour of the Baptists' Affirmation Bill.—By Lord Campbell, from Caithness. for the Legalization of Presbyterian Marriages.—By the Duke of Argyle, from the Synod of Ayr, and Glasgow, for the Better Observance of the Sabbath.—By the Earl of Roseberry, from Milbourn, Burwell, and Wigtownshire, against certain parts of the New Tariff.—From Hollingbourn Union, for Alteration of the Law relating to the Rating of Small Tenements.

IRISH SPIRITS.] The Duke of *Wellington* said, in moving the third reading of the Irish Spirits Duties Bill, that from inquiries which had been made in Ireland, from the officer at the head of the police, there was every reason to believe, that the force would be ample in that country to put down illegal distillation. With regard to the other point mentioned on Friday, respecting the equalising the malt drawback in Scotland and Ireland, he had reason for knowing, that his right hon. Friend, the Chancellor of the Exchequer, would take care, in a bill brought into the other House of Parliament, that that subject was properly dealt with.

Lord *Monteagle* was perfectly convinced that the noble Duke would take care, after his statement, to see justice done as respected the malt drawback. He was also satisfied, from the noble Duke's mentioning the fact, that in the opinion of Colonel Brereton, who had been placed at the head of the police force in Ireland, that force would be enabled to keep down illicit distillation. But, then, it must be borne in mind, efficient and able as that officer was, he had never had any experience in putting down evils of that character. So far, indeed, did he think difficulties would be presented which the Government had not contemplated, that at the present moment, he was told, nearly one-third of the police force in one district, that of Donegal, were employed in preventing and putting down illegal distillation.

The Earl of *Wicklow* was satisfied with the declaration of the noble Duke, and the distillers of Ireland would, no doubt, be very grateful to him for the course he had pursued. As respected the efficiency of the police force, he could bear his testimony that it was on a more efficient footing than it ever had been at any former period.

The Marquess of *Clanricarde* was apprehensive, that illicit distillation would be carried on in despite of the police, and if so, then he much feared, that habits of intoxication, with all the evils attending them, which had been, in many large districts, so happily removed, through the agency of one person, whose name was familiar to the House, would re-appear, and the train of evil consequences also.

Lord *Cloncurry* thought, that the sum to be obtained by the additional duty was so small and insignificant to the country at large, that it would be better far to abandon it altogether, than run the risk to which the morals of the people of Ireland would be subject, by a recurrence to intoxicating habits.

Bill read a third time and passed.

Queen's Prison.] On the Order of the Day, for the House to go into a Committee, on the Queen's Prison Bill,

The Earl of Devon presented a petition from several prisoners in the Queen's Bench prison, against certain parts of the bill, complaining, that they shall be deprived of the day rules, and other advantages, should the bill pass into a law.

Lord *Campbell* considered, that the prisoners at present within the walls ought not to be deprived of the advantages which the present law gave them.

Lord *Wharncliffe* was of opinion, that great abuses existed by means of the day rules, and that the bill was calculated to lead to very beneficial results.

Lord *Denman* remarked, that no doubt existed but great abuses had prevailed under the system of obtaining the rules, which could only be procured by money, and that in proportion to the debt owing. As regarded the day rules, he thought, that something might be done on that subject, with a view of affording relief to the petitioners, and he would suggest, that this subject should undergo further inquiry before anything final was adopted.

House in Committee. — Bill passed through the Committee.

House resumed.—Bill as amended to be printed.

Anatomy Act.] Earl *Stanhope* begged to direct the attention of the House to a petition which he held in his hand from a person named William Roberts, upon a subject of great importance connected with the working of the Anatomy Act. A commission had been formed under the late Administration, at the head of which was Dr. Somerville, to investigate the operations of the act. Now, the petitioner attended before the commissioners and tendered his evidence, which was of great consequence, but they refused to hear him. He complained of that, and also, that the report had not been yet made public. He would now, however, read some of the allegations of the petitioner, that their Lordships might perceive the nature of his complaint. The petitioner stated:—

> "That by the clause 13 of the Anatomy Act, it is provided, that after a body has undergone dissection, it shall be decently interred in consecrated ground, or in some other public burial-ground in the use of persons of the same persuasion to which the dissected remains belong, and that the circumstance of the interment shall be communicated to the inspector of the district within six weeks after the day in which such body was received by the professor of anatomy.

"That your petitioner has seen the interment of about 354 dissected bodies between October, 1839, and July, 1841, to have been buried in an unconsecrated ground in Globe-fields, and that the undertaker's man has represented a church of England clergyman by reading the Established Church funeral service on the shells interred.

"Your petitioner further states, that about 100 of the above shells were bought for 7*s*. 6*d*. each, and the remaining 254 at 6*s*. each, which included the owners' charges for the ground, and the other fees, and that certificates of burial, as required by the act, have been presented to Dr. Somerville as legal documents.

"Your petitioner is prepared to prove, that the burial clause of the act is no protection to secure interment.

"Your petitioner has seen many hundred weight of human flesh thrown into heaps, and in that way allowed to rot.

"That your petitioner has from his own observation seen, that the anticipation of being dissected is a source of deep anxiety and grief to the large number of workhouse paupers.

"Your petitioner submits to your right hon. House, that it is in vain to remonstrate against dissection.

"Your petitioner is prepared to prove, that bodies have been clandestinely received at schools of anatomy under the sanction of a master of a workhouse, in one of the largest parishes of London; the consequence is, that the inmates of workhouses are in a state, in that respect, of complete helplessness.

"Finally, your petitioner submits to this right hon. House, that in violating the Anatomy Act, the cause of religion has been insulted, the best and strongest feelings of the poor have been outraged, and the ecclesiastical law has been contravened."

The noble Earl moved, that the petition be laid upon the Table.

The Marquess of *Normanby* said, that as some of the circumstances complained of were alleged to have taken place when he had the honour of being at the Home-office, he felt bound to say a few words in reply to the accusation brought forward by the noble Earl; but at the same time, he regretted that the noble Earl had not given notice of his intention before he read the charges contained in the petition. He thought, also, that the noble Earl was bound to have given notice of his intention to her Majesty's Government; and he must say, he thought the noble Earl had acted indiscreetly in bringing such a subject forward, and had done that which was detrimental to science by it, in not affording means of explanation to the charges. He felt satisfied, that the working of the Anatomy Bill was beneficial, and he was also satisfied that the present Government felt so, and would use their efforts to carry it out fairly. As regarded the report of the commissioners, not having yet been produced, he had himself made a remonstrance against the non-production, which would be found in the Home-office. He regretted, that the report had not yet been made; the more so, because he felt assured that when it was produced, it would be most satisfactory.

The Duke of *Wellington* said, that, had the noble Earl given him notice of his intention to present his petition, he certainly should have communicated with his right hon. Friend at the head of the Home-office on the subject; but, as the noble Earl had not thought fit to give notice, he was not prepared to enter into the subject, nor to state why the report of the commissioners had not been made.

Earl *Stanhope* said, that the facts complained of by the petitioner were anterior to the present Government coming into power.

Lord *Brougham* regretted, that the noble Earl had mentioned the name of one gentleman so conspicuously, in bringing the petition under the notice of the House.

Earl *Stanhope*: I mentioned no details.

Lord *Brougham*: No; but I wish my noble Friend had carried his silence one step further, and not brought the name of a gentleman forward who has no means of defending himself here.

Petition laid on the Table. Their Lordships adjourned.

HOUSE OF COMMONS,

Monday, April 25, 1842.

MINUTES.] NEW MEMBER.—Joseph Hume, Esq., for Montrose Burghs.

BILLS. *Public.*—1°· Salmon Fisheries (Scotland, No. 2).

2° Punishment of Death (Ireland); Civil Bill Decrees (Ireland); Turnpike Roads (Ireland).

Reported.—Timber Ships.

Private.—1°· Lough Foyle Drainage.

2°· Dundalk and Bainbridge Road; Thames Haven and Dock Railway; Warkworth Harbour; Liverpool Health of the Town and Buildings' Regulation; Benecke's Naturalization.

Reported.—Great Torrington Market; Bolton and Westhoughton Road; Bolton and Preston Railway; Glasgow and Redburn Bridge Road; Greenock Harbour.

3°· and passed:—Cottenham, etc. Drainage.

PETITIONS PRESENTED. By Mr. Mackinnon, from Belgian Merchants, and British subjects resident in Ostend, for a better system of International Communication.—By Mr. Hastie, Mr. T. Duncombe, Mr. Hume, Mr. Forster, and Mr. Villiers, from Droitwich, Arbroath, Berwick-upon-Tweed, Rickmansworth, and other places, against the Income-tax.—By Mr. Villiers, from Manchester, for the

Repeal of the Corn-laws.—By Mr. M'Kenzie, from Peebles, against the Importation of Foreign Cattle.—By Mr. Hastie, from Paisley, in favour of the Tariff.—By Mr. G. Palmer, and an hon. Member, from Chelmsford, Wexford, Margate, Stringfield, Writtle, and Warrington, against the proposed Alteration of the Duty on Leather. By Mr. Sheil, from Dungarvon, for Protection to the Irish Fisheries.—From J. Barton, recommending the Imposition of a Duty on Flour.—By Mr. O'Connell, from Killasnet, and Halifax, for a Repeal of the Union.—By an hon. Member, from Doncaster, and Barnsley, for a Repeal of the Duty on Attorney's Certificates.—By an hon. Member, from the Island of Fowlness, against the Alteration of Duty on Mustard, Carraway, and Corriander Seeds.—By Mr. J. Stuart, from Waterford, against certain Clauses of the Fisheries (Ireland) Bill.—From Sydenham, and Runcorn, for a Better Observance of the Sabbath.—From the Moderator and Clerk of Dumfries Synod, for Abolition of Church Patronage.—From St. Munchin's, Limerick, for Universal Suffrage.—From Gravesend, and Milton, against the Boroughs' Improvement (No. 2) Bill.—From Shankhill, against the present system of Education (Ireland).

IPSWICH ELECTION.] Mr. *Pakington* reported to the House from the Ipswich Election Committee, that the committee had determined,

"That Rigby Wason, Esq., and George Rennie, Esq., were not duly elected Burgesses to represent the Borough of Ipswich in the present Parliament:

"That the last Election for the Borough of Ipswich was a void Election.

"And the said Determinations were ordered to be entered in the Journals of this House.

"House also informed, that the Committee had unanimously come to the following Resolutions:

"That Rigby Wason, Esq., and George Rennie, Esq., were, by their agents, guilty of bribery at the last Election for the Borough of Ipswich:

"That this Committee are of opinion, from the evidence given before them, that extensive bribery prevailed at the last Election for the Borough of Ipswich, and that the issuing of a new Writ for the said Borough ought to be suspended until the said evidence shall have been taken into consideration by the House:

"That the Chairman be requested to move, That this Report, together with the Evidence taken before this Committee, be printed, and that the Speaker do not issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of two Burgesses to serve in the present Parliament for the said Borough of Ipswich, until the said Evidence shall have been printed and submitted to the House.

Report to lie on the Table.

Ordered, "That the Minutes of the Proceedings of the Committee, and of the Evidence taken before them, be laid before the House.

Ordered, "That Mr. Speaker do not issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of two Burgesses to serve in this present Parliament for the Borough of Ipswich before Monday the 16th day of May next."

SOUTHAMPTON ELECTION COMMITTEE—MR. WREN] Mr. *Redington* appeared at the Bar and stated that he was instructed to report from the select committee appointed to try the merits of the petition complaining of an undue election for the town of Southampton, that John Wren had been guilty of refusing to give evidence before the said committee, and that he had therefore, by virtue of his office as chairman of the said committee, committed the said John Wren to the custody of the Sergeant-at-Arms, where he now remained to await the pleasure of the House. The hon. Member moved that John Wren be brought to the Bar, and interrogated as to whether he would persist in refusing to give evidence before the committee.

Mr. *Buck*, as a member of the committee who had voted against the committal of this man to the custody of the Sergeant-at-Arms, still felt it to be his duty to appeal to the House not to come to any decision in the case until it had had an opportunity of examining the evidence given before the committee. If the House took that course, he was perfectly satisfied that it would coincide with him in the opinion that the witness Wren had not done anything that could be construed into disrespect, and that the punishment he had already received, in being committed to the custody of the Sergeant-at-Arms, was more than equal to any offence of which he had been guilty. Beyond this he was convinced that the witness would not have been placed in the situation in which he then stood, had it not been for a misconception on his part of a resolution passed by the committee; and so strongly were some of the members of the committee impressed with that idea, that a discussion and a division took place as to whether his evidence should be erased. He bebelieved the witness had been guilty of no disrespect beyond that of refusing to answer a question which he felt would criminate himself; he had not been guilty of the smallest prevarication, nor of any act that would not be tolerated in any court of justice in the kingdom. Under these circumstances he should certainly resist any proposition for detaining the witness in the custody of the Sergeant-at-Arms.

The *Speaker* thought that the hon. Member who had just spoken must have misunderstood the question, which was simply that John Wren be brought to the Bar and interrogated.

Mr. *Godson*, as a member of the committee, could not bring himself to think that Wren had been guilty of any contempt, and therefore he should oppose the course which it was now proposed to pursue. The hon. and learned Gentleman was proceeding to make a statement of what had transpired before the committee, but was called to order by

The *Speaker*, who reminded him that the committee had not yet made its report; and that it was contrary to the rule of the House for the proceedings of a committee to be referred to until its report had been laid upon the Table.

Mr. *Godson* would refer no further to the proceedings of the committee. He contended, however, that it was an axiom of the law of England that a man should not be called upon to criminate himself. In this instance the witness had declared that he could not answer the question without criminating himself. Under such circumstances, the refusal to answer the question could not be construed into contempt.

Sir *Thomas Wilde* apprehended that the proper course would be to ascertain from the witness himself whether he had really made any such objection as was stated. As yet the House was wholly unapprised of the question, and of the objection to it.

The *Solicitor-General* thought, that after the reports that had been made from the committee, the only course that the House could adopt would be to call the witness to the Bar.

The question that John Wren be called in, put and carried. John Wren called in and examined by the Speaker, as follows:

"Were you examined as a witness before the Southampton election committee?—I was.

"In the course of that examination was any question put to you which you refused to answer?—There was.

"Why did you refuse to answer that question?—Because I considered it a question which was likely, if I answered it, to criminate myself, and to do me hereafter a serious injury.

"Do you still persist in that refusal?—I am willing to bow to the decision of the House. If the House decide that I shall answer the question, I am willing to do so.

Witness ordered to withdraw.

Mr. *Redington* then asked the indulgence of the House, in consideration of the difficult position in which he stood—a position which he could well wish was filled by a Member of greater experience than himself. He felt the full force of the rule of the House, which precluded any reference to the proceedings of committees, before which inquiries were still pending; and although in the present instance, the rule operated in such a way as to increase the difficulty against which he had to contend, he should make no effort to violate it. All that he asked the House to remember, was this, that the Members of the committee were sworn at the Table of that House to try the merits of the petition referred to their consideration, and that, so acting upon their oaths, they had, after discussion and deliberation, come to a vote that the question propounded to the witness was one that he was bound to answer. The committee were of opinion, that the excuse given by the witness for not answering the question was an excuse that did not bear upon the question that was asked.

Mr. *Thesiger* observed, that the circumstances under which the House was called upon to act were as yet so imperfectly explained as to render it impossible for them to form an idea what they were to do. He would, therefore, suggest that the witness be called back again, and asked what the question was that he refused to answer.

Sir *T. Wilde* agreed with the hon. and learned Gentleman who had just sat down, that the House was at present in a state of complete darkness upon the subject. After the very proper and becoming disposition manifested by the witness, he thought it would be well that the House should relieve itself from the position of difficulty in which it now stood by discharging the witness, and sending him before the committee for further examination, and with the permission of the House he would move

"That John Wren be called to the bar, and informed that the legal tribunal to decide on his obligation to answer questions in the select committee appointed under an Act of Parliament to try the matter of the petition, and that as he has declared his readiness to submit to the authority of the House, he be discharged."

The *Attorney-General* observed that the witness, in his examination at the Bar, although expressing a general willingness to submit to the decision of the House, had not said that he was willing to go back to the committee, and there answer the question which he had previously refused to answer. The witness had declared that to answer the question would be to criminate himself; and the question raised before the House was, whether the man should or should not be required to criminate himself. If he were sent back to the committee without any direction from the House as to whether he was to answer a question which would criminate himself, no progress of any kind would have been made in the transaction. He was the more anxious to prevent such a course from being taken, because this was not the first time that an erroneous construction had been placed upon the conduct of witnesses before committees of the House. In the present instance, no distinct allegation was made, but the motion of the chairman of the committee implied that the witness had been guilty of contempt. He might be wrong; but it occurred to him that a witness refusing, either before a committee of the House of Commons or any other tribunal competent to act as a court of justice, to answer a question that tended to criminate himself, was not guilty of contempt. In support of this view the hon. and learned Gentleman quoted a passage from one of the judgments of Lord Eldon. In his judgment, the House could not erect itself into a tribunal of appeal from the decisions of election committees. Therefore, if in this instance, the witness had been committed to the custody of the Sergeant-at-Arms, under a notion on the part of the committee that he was bound to answer a question tending to criminate himself, and if the committee honestly avowed that that was their rule of proceeding, he should be very unwilling to interpose the authority of the House in favour of the witness; but if it were the opinion of the committee, that the witness was endeavouring to shelter himself against a proper inquiry by alleging that the question was one to which he could not reply without criminating himself, when in fact the question was not one of such a nature, then he thought it would be incumbent upon the House to support the authority of the committee.

Mr. *Redington*: The majority of the committee, who voted for the committal of the witness, were under the impression that the question could not criminate him.

Viscount *Howick* thought it perfectly clear that the House ought not to erect itself into a tribunal of appeal to try the proceedings of the election committees. Such a course once adopted would necessarily give rise to very serious inconveniences. In this instance, the most expedient course for the House to adopt appeared to him to be this:—That the Speaker should inform the witness that although it was true that he could not be called upon to answer a question tending to criminate himself, yet that it was for the committee to judge of, whether the excuse were good or not; and if the committee upon consideration should determine that the question was one that would not criminate the witness, then the witness should be bound to answer it. As the witness had already stated to the House that he would answer if the House saw fit, he thought there could not be any doubt of the witness obeying their decision.

Mr. *Bernal* stated, that the hon. and learned Gentleman opposite had stated what was most undoubtedly the law in courts of justice. He wished the hon. Member for Montgomeryshire had been in his place, because he remembered well that when he some ten or twelve years ago, endeavoured to maintain the same principle, he was assailed from all quarters. He was told that he could not limit the power of Parliament by any application to their proceedings of any rule of law. The case he alluded to was one of bribery and corruption in one of the Cornish boroughs. The hon. and learned Gentleman opposite knew that, by a rule of law, no solicitor or attorney could be called on in a court of justice to betray the secrets of his clients. A solicitor was summoned to the Bar of the House in that case, and on declining to answer certain questions because his doing so would betray the secrets of his client, he was told that he could not avail himself of that excuse, as the House was not bound by any rule of law, and if he was not mistaken, the solicitor was committed. He wished to see the rules of the House, as well as the rules of law, paid attention to; but he thought that the House had decided, on the occasion alluded to, that it did not consider itself bound by any analagous decision of a court of law. They were now in a difficulty, because it had been laid down by the Chair that they could not publish the proceedings of the committee until the committee concluded its labours, and the hon. Member for Kidderminster was prohibited by a rule of the House from even alluding to what took place before the committee. How could the House, then, judge as between the committee and the witness. The witness said that he was willing to bow to the decision of the House, but he did not say that he was willing to bow to the decision of the committee.

Lord *J. Russell* said, that it had been repeatedly maintained that the refusal of a witness to answer a question because it might criminate himself, ought not to be considered as conclusive. The general parliamentary power of compelling a witness to answer, even though such answer should criminate himself, was not now the question before the House. That was a power which Parliament possessed, and which they might use on great occasions for the purpose of detecting some public fraud. Hon. Gentlemen opposite were mistaken in supposing that in the bill, in which he proposed that an indemnity should be given to certain witnesses under particular circumstances, there was any thing calculated to lead to the belief that that power was to be given up. In certain cases witnesses would be protected by an act of indemnity, but then committees acted under a special act of Parliament. They were judicial tribunals, formed of Members of this House, and as much a judicial tribunal as the Court of Queen's Bench would be, if the House of Commons had conferred on it the power of deciding on election petitions. The hon. and learned Attorney-general said, that the rule of law protected the witness when he refused to answer on the ground that his doing so would criminate himself, but that it would not apply where the witness refused merely from a wish to shelter himself, and avoid giving evidence. But the power of deciding the question, whether the rule applied or not, was left to the court who tried the case. The hon. Member for Dundalk had told the House that the question had been discussed before the committee, and that they had come to the decision that the witness might answer the question without criminating himself. If the judges in a court of law had come to a similar decision, he thought that the witness would have been obliged to answer the question. It was impossible to go into the merits of the present case, because they were ignorant not only of the question itself, but they knew nothing of the train of questions and answers which led to the question which the witness refused to answer. He felt inclined to rely on the authority of the committee. Nothing had been said to induce him to look with distrust on the proceedings of that committee. He had some doubt, however, whether the motion of his hon. and learned Friend, or the proposition of the Attorney-general, would answer the object in view. The witness said that he could not answer the question without criminating himself, but that he was ready to answer if it was the pleasure of the House that he should do so. If they merely referred the witness again to the committee, and if they should give no directions to the committee on the subject, he feared that they would only find themselves in the same difficulty as that in which they now were—the witness would refuse to answer the question, and the committee would persist in considering him guilty. It was, therefore, his opinion, that they ought to inform the witness that it was the opinion of the House that he was bound to answer the question according to the direction of the committee.

Mr. *Hume* thought, as the witness expressed himself willing to obey the orders of the House, that the House ought to send him back to the committee, informing him that they had left the decision of the question in the hands of the committee.

Mr. *O'Connell* said, that the Attorney-general had laid down the law accurately enough as far as he had stated it; but there was this qualification. If a witness began to describe a certain transaction, and gave part of the evidence, he could not stop short in the middle. He must make his objections in the first instance. If he did not do so, he was bound to go on, and, having told a part, he was bound to tell the whole. For his own part, he should not be sorry if a witness told a fact which might even criminate himself. A great deal of bribery and corruption was caused by a too strict adherence to the rule that a man ought not to answer any question that might criminate himself. A bill passed the House the last Session on the subject of bribery, but Lord Brougham had done a great deal of mischief by procuring the rejection of the principal clauses, when the measure was before the House of Lords. The present Government were strong in the House of Lords, and he wished they would bring in a similar bill. In regard to the question before the House, he thought they ought to leave it to the committee to deal with it as they might think fit.

Sir *R. Peel* agreed with the noble Lord the Member for London. He thought there was a material distinction between the extreme powers possessed by the House as the great inquest of the nation, and the powers possessed by certain portions of the House, constituted as tribunals, under special act of Parliament. It did not follow that the power and privileges of those tribunals defined by statute were the same as those which were possessed by the House of Commons. It appeared to him that the safest course to adopt was to remit the witness to the committee, as it was of great importance to maintain the authority of the committees appointed for the trial of election petitions, and to interfere as little as possible with their jurisdiction. He thought it would be a most dangerous course to examine the witness at the Bar of the House for the purpose of enabling them to form an opinion whether the question which he was called on to answer would criminate him or not. But, at the same time, he was afraid that the witness had left the matter to the decision of the House in a manner not generally understood. The witness said that he would submit himself to the authority of the House, and would take any course which the House might think fit. He was afraid that the witness would think, if the House should order him to answer, without reference to consequences, that he was bound to criminate himself. Now, he did not consider himself entitled to tell the witness that he was bound to answer the question even though it should criminate himself. He had gone as far as any one in defending the privileges of the House, and should do so again if it were necessary; but he was not prepared to tell the witness that he was bound to criminate himself. He thought they ought not, without the maturest consideration, to arrogate to any tribunal a power of that nature, at variance as it was with every principle of justice and law. If they did so, they would be establishing a principle most dangerous to the subject, not only with regard to their own inquisitorial powers, but also in regard to the powers of their committees. He did not infer that the committee claimed the power of compelling the witness to criminate himself, but merely the power of judging whether the witness was acting *bonâ fide*, or whether, under the pretence of not criminating himself, he sought to withhold evidence which might have that effect, but which it was important for the committee to know. It appeared to him to be a nice question for any tribunal to determine, whether a witness should or should not answer, because no person except the witness could know whether the answer would criminate him or not, nor could any one except the witness himself know whether he was acting *bonâ fide* or not. Still that was a discretion which they must give to a tribunal. It was clearly impossible to allow a witness to claim the privilege of refusing to answer a question on the ground that by so doing he would criminate himself. If that were allowed, it would strike at the root of all evidence; and, in his opinion, every tribunal must possess the power of judging whether the witness was making a *bonâ fide* answer or not, or whether the effect of the answer might criminate him or not. Such a discretion must be left to the tribunal, and, in his opinion, they ought to remit the witness to the committee, leaving to the committee to decide whether the answer should be given or not.

Mr. *Wakley* said, that on such occasions they ought to recollect what took place on the trial of a Peer, in the House of Lords, for a most serious offence. One of the witnesses, after answering one or two questions, refused to answer any other question on the ground that the answer might criminate himself. That happened within the last two years, and the trial, which took place in the highest criminal court in the kingdom, was put an end to by the refusal of a witness to answer, on the ground that he would criminate himself. Was that witness committed or punished? No such thing. He was not even requested to state his answer, in order that the judges might determine whether the answer would criminate him or not. He was allowed to exercise his own judgment, and nothing was said or done to him for his refusal to answer.

Sir *W. Follett* said, the law was this—any individual who was asked a question tending to criminate himself had a right to refuse to answer that question. He understood the rule to be this. A witness being examined with respect to a transaction in which he had taken a part, and that transaction being of a criminal nature, if, in the course of his examination, a question was put to him, and he said that he believed the answer would tend to criminate him, the province of the tribunal in that case would be, to decide whether or not his refusal to answer was *boná fide* or for the mere purpose of avoiding to give evidence in the case. The House would see that it was perfectly impossible for the judge to decide whether or not the refusal was *boná fide.* No person could thoroughly decide that but the witness himself—and if the refusal was *boná fide,* the rule of law was that the witness ought not to be compelled to answer a question that would criminate himself. Now, with respect to a committee, the same rules of evidence and law applied there as before any other tribunal, and he apprehended if a witness refused *boná fide* to answer a question on the ground that it would criminate himself, the committee were bound to give effect to that refusal. But if a witness had already criminated himself by his answer, he could not in that case be allowed to state that he would answer no further; but if any answer already given had not criminated the witness, he might then in any stage of the inquiry refuse to answer a question on the ground that it would criminate him. With respect to the proceedings that the House should take, he (Sir W. Follett) did not see how the House could take any other course but to send this witness back again before the committee. He (Sir W. Follett) should be extremely sorry to see that House sit as a court of appeal in any matter concerning the authority of an election committee.

Mr. *C. Wood* said, if the course suggested by the hon. and learned Gentleman were followed, they would to-morrow be precisely in the same situation as that in which they now were. The committee claimed no authority except such as belonged to every judicial tribunal. All that the House could know of the case was, that the witness had declined to answer a question which the committee were of opinion he should have answered. He apprehended that every judicial tribunal would commit such a person. The committee ought to decide as to whether the refusal of the witness to answer was *boná fide* or not; such a discretion was left to them, and in his opinion the exercise of it in the present case was rendered absolutely necessary.

Mr. *Godson* said, that it was with some surprise that he heard the learned Solicitor-general state, that the witness was to judge whether his answer would criminate himself or not. The House could judge of the demeanour of the witness when at the Bar. Such was also his demeanour when before the committee. One good result would spring from this discussion. When the committee met again they would understand, that they were bound to try the question by the law of the land, and not by their own individual opinions, and to do justice in the committee in the same way as if they sat in a court of justice. They would have to decide whether the witness was fairly of opinion that his answer would criminate himself; and should they think that he was acting honestly in refusing the answer, it would be their duty to tell him that he was not bound to answer.

Sir *T. Wilde* said, that the rule acted on for the last forty years, was to require the witness to state as much of his answer as would enable the judges to decide whether it might criminate him or not. He recollected a case which illustrated what the practice was. A witness was asked, "Did you ever see that paper?" and a bill of Exchange was put into his hands. He declined to answer, because he would criminate himself. He was asked how? and he answered, that he had been guilty of usury in respect of that bill. He objected, therefore, to answer the question, and the objection was allowed. His hon. and learned Friend would, therefore, perceive that the practice was to require the witness to state as much as would enable the judge to decide whether his answer might have a tendency to criminate him; but it never was the rule to allow a witness to get off without answering the question merely on his saying, that his doing so would criminate him. Looking to the state of political parties, he should say, that if they were to admit an objection of that kind, all inquiry would stop; and he trusted, the House would see the necessity of coming to some decision on the subject.

The *Solicitor-General* did not understand in what point his hon. and learned Friend disagreed with him. What he (the Solicitor-general) stated was, that if the committee were of opinion, that the object of the witness in refusing to answer a question was a *bonâ fide* fear of criminating himself, and not the intention of screening others, the committee would not call on him to answer such question.

Mr. *Watson* thought the witness ought to purge the contempt of which he had been guilty, by giving a full and explicit answer to the questions put to him, before he was discharged.

Sergeant *Jackson* said, that might impress the witness with the idea, that the House approved of the questions which had been put to him. This he conceived was not what the House intended to do.

Sir *R. Peel* wished to ask whether, supposing the present motion should be carried, the House had any security that the witness would appear before the committee and answer the questions put to him. It was very material to determine whether the original summons remained in force after the witness should be discharged. Care ought to be taken, that the witness went again before the committee, and the House ought to be sure that by discharging him from the custody of the Sergeant-at-Arms, they were not relieving him from any legal necessity of appearing before the committee again.

The *Speaker* said, in answer to the question put to him by the right hon. Baronet, that by the act of Parliament any witness refusing to give evidence before a committee might be committed to the custody of the Sergeant-at-Arms for any time not exceeding twenty-four hours if the House should be sitting, and, if not, then for any time not exceeding twenty-four hours after the hour to which the House should then have been adjourned. He apprehended, that the House having been adjourned over to this day, the witness would remain in custody for twenty-four hours after the House again met. In that case the witness would be forthcoming at any time to answer any questions put to him by the committee, if the committee wished him to be re-examined. He was assuming that if the House ordered the witness to be discharged, he would be discharged at once out of custody; then it would be necessary for the committee to summon him again.

Sir *R. Peel:* Therefore the motion could not be made to discharge him.

Mr. *Godson* said, the committee were of opinion, that when the witness was once committed to custody, he was out of their power.

Sir *C. Clerk* remarked, that if a witness were committed for prevarication and perjury, his evidence might be accounted not worth anything, but it was different when the question was, whether he might change his mind, and answer the questions put to him by the committee. The witness, he apprehended, would not be required to answer a question if it distinctly appeared that the object of his refusal was *bonâ fide* the fear of being criminated.

Mr. *Law* said, that any resolution which did not clearly intimate to the witness the tribunal by which he should abide would be unsatisfactory. He should, therefore, move, that the witness should be called to the Bar, and be informed by the Speaker that any objections which he has to urge must be submitted to the committee, and be determined by them.

Mr. *Borthwick* said, that though from his experience of election committees, he was not inclined to think very highly of their decisions, he did not see why the House should depart from its usual practice. He would, therefore, move, that the witness be now called up, and if he did not refuse obedience, but expressed his willingness to answer the questions put to him, he should be discharged, and it should be ascertained if he was willing to submit to the decision of that which, rightly or wrongly, was universally allowed to be the proper tribunal.

The *Speaker* said, that an original motion and amendment were already before the House, and must be decided before the motion of the hon. Member could be put.

The question put, and decided as follows:—

That John Wren be called to the bar, and informed that the legal tribunal to decide upon his obligation to answer questions, is the select committee appointed under an act of Parliament to try the matter of the petition; and that, as he has declared his readiness to submit to the authority of the House, he be discharged:—

Amendment proposed, to leave out from the word "Petition," to the end of the Question, in order to add the words,

And that Mr. Speaker do also inform him, that any objection he has to urge must be submitted to the committee, and determined by them,—

Instead thereof:—Question,

That the words proposed to be left out stand part of the question,

Put and negatived:—Words added:—Main question, as amended, put, and agreed to.

Ordered,

That John Wren be called to the Bar, and informed that the legal tribunal to decide upon his obligation to answer questions, is the select committee appointed under an act of Parliament to try the matter of the petition; and that Mr. Speaker do also inform him, that any objection he has to urge must be submitted to the committee, and determined by them.

The *Solicitor-General* moved,—

That John Wren be now discharged from the custody of the Sergeant-at-Arms attending this House, and be directed to attend the committee to-morrow.

Sir *R. H. Inglis* objected to the proposition. The witness was still subject to the authority of the committee, and the summons of the Chairman could bring him up at once; for whether the man was in custody or not, it was still of sufficient power. If the motion of his hon. and learned Friend, the Solicitor-general, was adopted, a stigma would be cast on the committee and its proceedings in this matter. The House had no more authority to direct the witness to attend before the committee than any individual Member had to do so. The act of Parliament delegated the power of commanding attendance to the Chairman of the committee, and for the House to interpose on the question was, in his (Sir R. H. Inglis's) opinion, an improper interference with the proceedings of an election committee, as well as a violation of an act of Parliament. He thought, therefore, that it would be the best course to pursue to leave the matter in the hands of the committee.

Mr. *C. Wood* thought it desirable that the grounds for discharging the witness should be recorded; namely, that he had submitted to the authority of the House. The committee had reported that the witness had committed a contempt; this the House could not overlook. He would, therefore, move, by way of amendment,—

That John Wren having expressed his readiness to submit himself to the authority of the House, be discharged from the custody of the Sergeant-at-Arms, and that he be directed to attend the committee appointed to try the matter of the Southampton election petition to-morrow morning.

Mr. *Hume* said, either the committee had power over the witness, or it had not. In his opinion, the moment the witness was discharged from custody, the authority of the committee commenced. If so, and the House took upon itself to interfere, they might interfere in anything else. He would suggest that the words "directing the witness's attendance before the committee" should be left out as unnecessary.

Sir *R. Peel:* Sir, I think that two questions arise on the proposal of my hon. and learned Friend (Sir W. Follet), which it is as well to resolve before we agree to the motion. The first is, whether or not the original summons of the committee to this witness has been vitiated by the report to the House? If it remain in force, it is clearly not necessary for the House to interpose its authority, as between the Chairman and the witness, at present; and if it is clear that the witness is bound by that summons still—as I apprehend he is—no interposition is necessary, and I think all interposition that is superfluous should be avoided by this House. But it is said the Chairman of the committee has power to issue a summons to the witness on his own authority alone. That I doubt. The act of Parliament is specific on the subject. It says,—

"Be it enacted, that the select committee so appointed for the trial of contested Parliamentary elections shall have the power to send for 'persons, papers, and records.'"

These are the words of the act. Now, Sir, under ordinary circumstances, the Chairman of a committee is the organ of that committee, and if ordinary circumstances existed in this case, no doubt the Chairman would be the organ of this committee. But the committee is not now sitting, and therefore the chairman cannot at this moment be considered their organ, or in the exercise, consequently, of their power. We should, therefore, be very cautious what we do in this matter. The question, then, comes to this. Does the original summons resume its force on the discharge of the witness, or does the act of the House in discharging him remove him from its power. If it does resume its force, then there is no need of interference on our part. If it does not, then the Chairman should not exercise a right which is his only by the special devolution of the committee of this House.

Mr. *Murphy* thought the case of a witness who was committed by a court of justice for refusing to answer any question, was perfectly analogous to the present case. If such witness afterwards expressed his willingness to give evidence, no new subpœna was necessary. Why, then, should any fresh summons be required here? He submitted this question for the opinion of his hon. and learned Friend the Attorney-general.

The *Attorney-General* could not see any possible objection to the House giving the required direction; if it were superfluous it could do no harm, and if it were not, it would be well that that course had been taken. He hoped, therefore, that the opposition would be withdrawn.

Question then put as follows:—

That John Wren be now discharged from the custody of the Sergeant-at-Arms attending this House, and directed to attend the Committee to-morrow.

Amendment proposed, to leave out from "John Wren" to the end of the Question, in order to add the words,

Having expressed his readiness to submit himself to the pleasure of the House, be now discharged from the custody of the Sergeant-at-Arms attending this House, and that he be directed to attend the Committee appointed to try the matter of the Southampton Election Petition to-morrow morning,

instead thereof;—Question,

That the words proposed to be left out stand part of the question,

Put and negatived:—Words added:—Main question, as amended, put and agreed to.

Ordered—

That John Wren, having expressed his readiness to submit himself to the pleasure of the House, be now discharged from the custody of the Sergeant-at-Arms attending this House, and that he be directed to attend the committee appointed to try the matter of the Southampton Election Petition to-morrow morning.

Question agreed to.

John Wren was then called to the Bar.

The *Speaker*: I am now commanded by the House to inform you, that the select committee for the trial of the Southampton election petition is the tribunal constituted by law to determine your obligation to answer or not to answer any question that may be put to you by the committee. If you have an objection to any question which may be so put to you, you are to submit that objection to the committee; but if the committee, after hearing your objection, decide that you are to answer that question, this House is of opinion, that it is your bounden duty to do so. I am also to state, that you are to attend the committee to-morrow at its sitting. You may now withdraw.

John Wren withdrew.

CHILDREN IN COAL MINES.] Mr. *Brotherton* asked, whether the commissioners appointed to examine respecting the employment of children in coal mines had yet made their report, and when it might be expected to be laid upon the Table?

Sir *J. Graham* answered, that he had received the report only on Saturday—that it was very voluminous, and that he had not yet had an opportunity of examining it. He was, therefore, not prepared to reply to the latter part of the question of the hon. Member.

REVENUE COMMISSION.] Mr. *Hume* understood, that a commission had been appointed to inquire into the subject of the revenue. He wished to know, whether there would be any objection to lay a copy of the commission upon the Table?

Sir *R. Peel* had no objection whatever to lay a copy of the commission, under which the commissioners were appointed, upon the Table.

Mr. *Hume* said, that his object was to ascertain the powers of the commissioners, with a view to comparing those powers with the evidence taken.

Sir *R. Peel* added, that the object of the commission was to ascertain whether any improvement could be made in the collection of the revenue.

Mr. *Hume* had supposed, that it was appointed to inquire whether any reduction could be made in the establishments of the country.

Sir *R. Peel* observed, that its object was confined to what he had stated.

QUEEN'S COUNSEL.] Sir *V. Blake* put a question to the Solicitor-General for Ireland respecting the employment of Queen's Counsel for prisoners. He understood, that a fee was payable upon a license, before a Queen's Counsel could defend a prisoner.

Mr. Sergeant *Jackson* replied, that such was the fact; a fee was payable before a Queen's Counsel could appear on behalf of a party prosecuted by the Queen.

Mr. *O'Connell* said, that formerly the fee was ten guineas, but that it had been reduced.

Mr. Sergeant *Jackson* believed, that it was now only about 30*s.*

Sir *V. Blake* wished to know, whether there was any intention to alter the law in this respect?

Mr. Sergeant *Jackson* was not aware of any such intention. At present, the oath taken by a Queen's Counsel prevented his appearing for a prisoner without a license.

INCOME-TAX — COMMITTEE.] Mr. *Goulburn* moved the order of the day for the House to resolve itself into a committee on the Income-tax Bill.

Mr. *Wallace* said, his object was to endeavour to suggest to the House some plan by which the adoption of an Income-tax might be obviated. It was the general opinion out of doors that the right hon. Baronet, if he had been aware of the present plentiful state of the money market, would never have submitted this proposition to the House. Now that the Corn-law question had been disposed of, and that the tariff had not yet been proposed, he thought the time had come to propose some measure by which the necessity for an Income-tax might be obviated. The bill had only recently been placed in their hands. He had seen it to be his duty to go through the bill with all the attention in his power, and he could not have thought it possible, that any enactment containing clauses so repugnant to the feelings of the inhabitants of Great Britain, could have been proposed by any set of men whatever. It had been said, that these enactments were founded on the acts of 1798 and of 1806, but he was also aware that at that period there had not been such rigid constructions placed upon the enactment of laws of this description. The assessed-tax laws had formerly been administered in a more mild manner than of late years. Since that period the assessed-tax acts had in England and Scotland been year after year enforced in a more rigid manner, and it was only last year the Chancellor of the Exchequer had intimated to the House, that he expected to raise a considerable additional sum under the head of assessed taxes, not only by an increase in the taxes themselves, but by a more stringent enforcement of the enactments of the existing laws. That was stated as being not for the purpose of extending them in any new direction, but to make them more searching and productive, and they were made so stringent now, that they were little less odious than the bill which he now held in his hand. There was a strong opinion prevailing out of doors that at this stage they were entitled to receive communications from the right hon. Baronet and the Government as to their intentions with respect to the tariff, and there was an opinion that his own supporters were so opposed to that bill that it would not be in his power to carry it. Therefore it became apparent that any means of stopping the Income-tax should be brought before the country. Various plans had been suggested; he would not venture to say what might be done in the way of reducing the expenditure of the country. He thought that, by means of temporary advances, by loans on Exchequer-bills, or some other way, they might gain a year to look about them; and then, if necessary, the right hon. Baronet should take a higher amount than 3 per cent. and free them from other taxes. If it were necessary it would be the bounden duty of the right hon. Baronet to take 10 or 12 per cent. by an Income-tax, that he might be the better able to relieve them from other taxes, and take a bolder step in the right direction, than he was now doing. The right hon. Baronet might take a year to consider that. Such a proposition would be listened to with satisfaction by the country, if it believed that a larger amount of taxation would be removed, along with the timber duties and others, which had been mentioned in the tariff. Whether that was a right application of the money to be raised by the Income-tax was a question; but his own conviction was, that an issue of Exchequer-bills to the amount of 4,000,000*l.*, the sum proposed to be raised by an Income-tax, would not be refused by the country, and he was satisfied, from what he endeavoured to ascertain in the City, that such was the plenty of money, that even this very day it could be procured at 2 per cent. If that were true, and it was the opinion of well-informed men that the sum required could be procured for between 2 and 3 per cent. interest, he considered, and his opinion was confirmed by the judgment of others well acquainted with the subject, that it would be a vast deal better to get the money by Exchequer-bills, rather than to inflict on the country the machinery of the present bill. He could not find a term sufficiently expressive to apply to the nature of the bill, it was in its provisions so horrid. Crimes of the deepest dye, which certainly would be committed under its provisions, were guarded in the most careful manner in the bill. Was it, he would ask, fair, at the end of four years of continual distress, to ask the commercial community and the tradesmen of the country to disclose their affairs? He believed that the tariff was a proceeding in the right direction, but it was equally clear that there were other means of raising the money necessary to meet the deficiency in the revenue without resorting to an Income-tax. There was a strong feeling that the course he had alluded to before would be his wisest course. He would not delay the resolution which was on the paper of that evening, because he would be strongly pressed by several parties not to do so. He should, however, take another opportunity of bringing the subject forward.

Sir *R. Peel* said, that after the long debate upon the principle of the Income-tax Bill in every stage, he had been little prepared for the notice and speech of the hon. Member. However, it was some consolation to hear that the hon. Member. did not mean to resist the farther progress of the bill in any unfair or factious spirit, even while he so strongly recommended other temporising expedients, such as a loan of 4,000,000*l.* or an issue of Exchequer-bills. The hon. Member wished that the country should have a-year to look about; but he could not but recollect the objections that had been urged when he had asked for only five months to enable himself and his Colleagues in office to review the financial state of the empire and to prepare for Parliament the necessary measures on Government responsibility. Those objections came from the friends of the hon. Member, but he should like to know what would have been said to him by his political opponents if, at the end of five months, instead of bringing forward bold and intelligible propositions, he had come down to the House and asked for another year to deliberate and decide. He could fancy the sort of reception he should have met with when he thus neglected to keep faith with the country and disregarded his own solemn undertaking. True it was that the state of public credit could not have been accurately foreseen, but the whole House had shown a determination to abandon the system of loans, in order to make a vigorous effort by laying on taxes to retrieve the affairs of the State, and what had followed in respect to the public credit had been the result of that determination. The hon. Member had referred to the condition of the money market, and to the possibility of contracting fresh loans; but surely that condition afforded the strongest stimulant and incentive to persevere in the course that had been commenced, the object of which was to make the income equal to the expenditure, by raising an additional revenue by means of direct taxation. If the public credit should continue to improve, his right hon. Friend the Chancellor of the Exchequer might be enabled to return to those advantageous operations which both reduced the national debt and lowered the interest upon it. Was it a reason for incurring a fresh debt that the funds were at 92, having risen to that point because no new loan was contemplated? The hon. Member would find himself much disappointed if he fancied that the funds would remain at 92 if his scheme were carried into execution. The amendment moved to the address to the Throne of last year distinctly implied that the old system of loans was to be abandoned. That amendment came from his side of the House; and when the proposal of an Income-tax was brought forward, the noble Lord (Lord J. Russell) produced a resolution which, almost without exception, was supported by the votes of the whole minority, including the honourable Member himself. What said that resolution?

> "That this House is fully sensible of the evils of a continued inadequacy of the public income to meet the public charge, and will take effectual measures for averting the same in future years."

These were the words of the noble Lord and his friends, and they contained a distinct declaration of opinion that the system of loans ought to be abandoned. To this point the whole House was pledged, and it must forfeit all character for consistency if within a fortnight afterwards it took a course directly the reverse of that which it had voted to be sound, prudent, and necessary. As to the tariff he had already given the strongest assurances that the general principles of it should be adhered to, and it was the desire of himself and his friends that it should be submitted to the House in its amended shape as early as possible. He believed that the declaration he had before made upon this point had given general confidence, and one of his reasons, as he had originally stated, for proposing the Income-tax was, that he might be able to effect the reductions contemplated by the tariff It included a sacrifice of revenue to the extent of 1,200,000*l.*, and he was aware that the defence of the Income-tax must mainly rest upon the adoption of the tariff in its leading principles. Such was the general impression out of doors, and his Colleagues entirely concurred with him in thinking that an Income-tax ought to be accompanied by measures of simultaneous relief. Trusting willingly and entirely to the assurance that there was no desire on the other side to raise unnecessary obstacles, he was ready to devote some time to the introduction and consideration of the tariff. The Income-tax Bill was on the point of going through the committee, and as soon as that proceeding had been completed, pressing it forward steadily from day to day, he had not the slightest objection to interpose some delay before the report was brought up, in order that the House might take into its view the leading portions of the tariff. As it consisted of 1,100 articles, it would be vain to debate each of them separately, and perhaps hon. Members would previously point out the parts to which they objected with a view to saving time. The general wish of the House must be to proceed with as much rapidity as was consistent with proper deliberation, and this object would be facilitated if hon. Members would adopt the suggestion he had just thrown out. The first step ought to be to pass the Income-tax Bill through the committee, and that should be followed by the statement of the tariff. He did not mean to pledge himself as to the details, but he was ready to give an assurance, if, indeed, a fresh assurance were wanted, that it was not the intention of the Government to pass the Income-tax and then to disregard the tariff. Some alterations had been made in it: he had had various communications with many parties, and, in concert with his right hon. Friend the Chancellor of the Exchequer, farther reductions had been made in the duties upon raw materials, it having been urged that that course was of essential importance. When the tariff came to be again seen, it would be found that Ministers had fulfilled every engagement they had entered into respecting it; and he did not think that many would be found to participate in the alarm expressed by the hon. Member, that it was the intention of Government to vary materially from their general proposal respecting the future commercial system of the British empire. Under these circumstances, he hoped that the present debate would proceed no farther; and that the House, without more delay, would resolve itself into a committee on the Income-tax Bill.

Mr. *Hume* felt anxious as this was the first opportunity he had had to express his opinion, of the measures proposed by the right hon. Baronet (Sir Robert Peel), and he was called to do so in justice to those who had sent him to that House, he appeared again in that House with some reluctance, and he hoped the House would bear with him for a short time. The right hon. Baronet might fairly expect that he was not likely to concur in the recommendation of his hon. Friend (Mr. Wallace) with regard to a loan. During several years past he had urged on both sides of the House—he would not at present blame either party though both deserved to be blamed—the impolicy of spending more than the annual revenue of the country. It was the late House of Commons which by its unnecessary increase of establishments and expenses had brought the country into its present difficulties. He was fully aware of the financial and other difficulties which now existed, and he was free to confess that the right hon. Baronet as Minister of this country, had undertaken a most arduous task—a task which he would find most difficult to perform. He must candidly confess that he had not, expected to find the right hon. Baronet so earnest in his advocacy of, and so sound in the principles of free-trade; and he felt therefore the more desirous to express his approbation of the course taken, and of the manner in which the right hon. Baronet had grappled with the commercial difficulties of the country. The right hon. Baronet proposed that prohibition should no longer exist against the importation of any single article. Mr. Huskisson had prided himself in 1826 in proposing that there should be no prohibition of any manufactured article, and now the right hon. Baronet extended that principle to every article of commerce. The right hon. Baronet had broken in upon these monoplies; and it was to be regretted that he did not propose to abolish them altogether; he was particulary sorry that the right hon. Baronet had only altered without abating the giant monopoly of the Corn-laws. Nor had he heard any sufficient reason assigned why the sugar monopoly should not have been dealt with, as he had with other articles of commerce embodied in the tariff. He (Mr. Hume) ventured to say that if the right hon. Baronet had reduced the duty on foreign sugar to 50 per cent. instead of leaving a duty of complete prohibition, no colonial interest would have been much injured. He regretted that the right hon. Baronet had not laid a portion of the new taxation on the landed interest, the agricultural interest would not in reality pay one farthing of the revenue to be raised from the new taxes, because it would obtain much more by the high monopoly price of corn and other produce of the soil than they would have to pay of the Property-tax. He saw in the continuation of the Corn-laws, and in the application of the tax to the commercial interests, a violation of the principles which the right hon. Baronet had so lucidly and ably laid down in his speech, n introducing the bill. The right hon. Baronet had laid down the broad principle that he would not protect any one interest against another—that he was determined to do equal justice to every class in the community. The right hon. Baronet had not carried out his principles. He was sorry that the right hon. Baronet had not proceeded further in his reductions of many of the chief articles in the tariff; but the circumstances of the country would soon compel him to proceed further—it was impossible that the present tariff could stop where it was. He thought the right hon. Baronet had not received the credit to which he was entitled for the reduction of the timber duties. He considered the reduction of these duties of great importance to the general interests of the country. If the right hon. Baronet would proceed still further and reduce the discriminating duty on foreign timber he would greatly increase the benefits to the community. Let any hon. Member read Mr. Laing's observations on the effect in the habitations and comforts of the poor of cheap timber in Norway—a poor country; and his opinion of the effects of dear timber in this a rich country, and he must be convinced that the duty on corn and sugar stood next to the timber duties in importance. The reduction of the timber duty would benefit the manufacturing and shipping interest, and also in the erection of farm buildings and would be of the greatest service to all classes in the country. A difference of opinion had existed as to the necessity of an Income-tax, and he (Mr. Hume) thought it would have been better if the right hon. Baronet had first tried the tariff as he probably might have found that the loss of revenue which he thereby anticipated would not have been so great as he expected, and that he might have dispensed with the Income-tax altogether. He (Mr. Hume) was perfectly willing that a large portion of the revenue of the country should be levied by direct taxation, it was the best tax on many grounds. By indirect taxation the consumer was called on to pay an additional per centage for outlay of capital, for the duties levied on the articles, and moreover indirect taxation always encouraged extravagance, profusion and waste. There were other modes of raising taxes more just than the proposed Income-tax. If real property in succession was placed on the same footing as personal, the Income-tax would not be required. It was but justice that real property should be placed on the same footing as personal, before personal is subjected to additional taxation. Why had not the right hon. Baronet called on the public establishments of the country civil and military in the present state of financial and manufacturing distress to make a sacrifice of part of their incomes. Before any Income-tax was imposed economy and retrenchment ought to have been carried to the utmost extent. The same revenue amounting to 52,361,000*l.*, had been raised when capital returned 15 and 20 per cent., but last year it had been raised on a capital which did not return 5 per cent., by which alteration of profits of capital and industry the burden of taxation in this year was as heavy as if the revenue had amounted to

70,000,000*l.* as compared with the former year's taxation. And it was now proposed to levy by an Income-tax 4,000,000*l.* more, raising the revenue to upwards of 56,000,000*l.* at a time when the country was suffering under severe privation from want of trade and employment. The Queen had only 60,000*l.* a-year out of her civil list of 385,000*l.*, and the rest of her income being expended on Lords and ladies in waiting, and on the extravagance of court show. He must press upon the House that the distress which existed amongst the manufacturing population was very great and required immediate attention and relief. There were thousands and tens of thousands depending at that moment on 4*s.*, 5*s.*, 6*s.*, and 7*s.* a-week, to support a family with after working from six in the morning till eight or ten at night. There was so great a contrast in the state of the court and of the mass of the people. Was it possible that those amongst whom such distress prevailed should be content, whilst they saw court revelry and every extravagance prevail amongst the public servants of the Crown. He did not wish the Queen's individual income to be lessened, because she had a smaller income than many of the Peers of this country; but what he objected to was to see the Lord Chamberlain and the other public officers paid in the extravagant manner in which they were, whilst privation and distress so generally prevailed in the country. He believed that the Queen would be glad that the reduction of expenditure should if possible be made. It could not be pleasing to her to see all the glittering appearance at her court, such as formerly distinguished the court of Louis 16th, whilst tales of misery and destitution came from every part of the manufacturing community. [" *Laughter.*"] Gentlemen might laugh, but he believed that if they had at that moment the power to bring before them some of the courtiers who had attended the court of Louis 16th, and compare their dresses and habits with the fripperies and gold lace now seen in her Majesty's court, those spectre courtiers would tell them that the court of the present day equalled that of Louis 16th in extravagance, and that they ought to take a lesson from what befell the French court in 1789. He (Mr. Hume) suggested the precedent so appropriate, that he wished the House to profit by that eventful example. He thought, therefore, the time was come for doing away with some of the gold lace and its attendant profusion. The public money ought not to be so wasted on a few courtiers, whilst so much distress prevailed amongst the people. They may be told that they had made a bargain of a civil list with the Crown; he would stand to that bargain. But let the question be fairly put to her Majesty, whether she would not consent to do away with some portion of the expense of her court, which only supported pageantry and show, before they called on the country in time of peace to bear an Income-tax—a tax so odious, that it had no one quality of what might be stated the requisites of a proper tax. It may be evaded in a great degree by money. A tax ought to fall equally on all parties, according to their ability to pay it. Would any man say the Income-tax fell equally? It visited property of different values with the same fine, and that was unjust. It was inquisitorial, demoralising, and impolitic, and would affect the poor and middle classes very severely. He complained, therefore, that her Majesty's Ministers had not first advised a severe reduction in the public establishments and expenditure. The 4,000,000*l.* now expended charges in collecting the revenue might be reduced to 2,500,000*l.* by the system of consolidating and reducing the offices which the right hon. Baronet might carry into effect. He admitted, that the discontents of the agriculturists and other monopolists were brought to bear most unfairly against the proposed changes in the tariff of the right hon. Baronet. But at the same time, if the expenses of collecting the revenue were reduced to 2,500,000*l.*, and a large reduction made in the civil expenditure, an amount equal, or even larger, than what was expected to be levied by the proposed Income-tax, might be saved. He must think there could be nothing more terrible to taxation than the effects the imposition of this tax would have upon the country—it would lead to an inquisitorial proceeding into the affairs, and to the consequent ruin of those whose credit and resources were doubtful, of which the right hon. Baronet could scarcely, he feared, have an idea. He (Mr. Hume) drew a marked distinction between an income and a property-tax:—The income of every man employed in industry, and in the accumulation of property ought to be untaxed; but, on the other hand, he contended, that all property such as land, houses, or property fixed, capital, testable, or moveable, formed a fit subject for taxation. The injury to the community would be less, by confining the tax to the product of capital, and not to the profits of industry. He would, in support of that principle, be prepared to take off 6,000,000*l.* of indirect taxation from a number of articles consumed by the people, and lay on a direct tax, on property to that amount, which he was sure would give much more relief to the people, and be more beneficial to the people than the imposts under which they at present laboured. Under the proposed tariff the right hon. Baronet would not be able to give sufficient immediate relief to the commercial and manufacturing interests. Let him give that relief by removing the large monopolies of food, and no man would be more ready to support the right hon. Baronet than he should. Before sitting down, he had again to urge upon the right hon. Baronet, that in order to carry out his own principle of not protecting any particular interests, he ought to tax real property by descent in the same manner as personal property had been taxed since 1758. He had for ten years been "hammering" that measure upon the House, with, he was sorry to say, but little effect. ["*Laughter.*"] Hon. Members might laugh, but a nail was never struck without some good effect, and his suggestions might yet be followed. It should be remembered, that he proposed, in 1840, a tax upon real property by descent, as a substitute for the budget of the then Government, who proposed an addition of 5 per cent. duties on Excise and Customs, and 10 per cent. on the assessed taxes as the most simple mode of raising 2½ millions of revenue,—on that occasion, he took the sense of the House by a division, and only thirty-nine Members voted with him for the tax on real property. That plan of taxation of the late Government had entirely failed, and it was somewhat satisfactory to him (Mr. Hume) now to learn, and to have it admitted by the noble Lord lately the leader in this House, that he, to a certain extent, had come round to the justice of that tax, and, therefore, if the noble Lord and his party again came into office, they would be bound to adopt it in preference to an Income-tax. He pressed that fact on the right hon. Baronet as worthy of his attention. Whilst he regretted that the right hon. Baronet had not gone far enough in his tariff, he must at the same time admit, that so far as he had gone, he had proceeded in the right way, and ought to be supported by every friend of free-trade. But could not the right hon. Baronet let the country have the good without the bad—the tariff reform, without the Income-tax? On the right hon. Baronet's own showing there was only 3,300,000*l.* deficient to meet the expenditure of the country for the current year; let him therefore, reduce, what he could from the civil list, and what he could from the establishments of the army, the navy, the ordnance, and miscellaneous and colonial establishments to make up that deficiency — and even without that alternative let him put a duty on real property by descent, at the same rate as the duty on personal property, according to the calculations of the agriculturists, and supposing that duty to realise as much as the duty now imposed upon the descent of personal property, the right hon. Baronet would have fully the 3,300,000*l.* By an Income-tax, deducting the sources of employment generally, the right hon. Baronet would only add to the misery and distress which now pervaded the country, by depriving many men of the means of employment which they now had; and, he was sure, if the right hon. Baronet could see the proposition in the same injurious light as he (Mr. Hume) viewed it, he would not insist on that odius tax. The conduct of this country, with regard to the sugar and corn duties, was such, as to induce the rest of the world to believe that she was not sincere in her expressed desire to extend the commerce of the world. And why? Because she would not consent to the removal of those laws which prevented us from receiving corn, timber, and sugar, the produce of those states which they had to pay us for our goods. True it was, that America had no special right, as had been urged to complain in this matter, as she had now existing a fixed duty for 9*s.* per quarter imposed in all her ports against the corn of Canada. But, with a fixed duty in this country, bad as he thought even a fixed duty to be, still it would create a trade in corn, which never can be created with a sliding-scale, and extend the growth of good-fellowship, and to an increased exchange of the produce of both countries, from which alone could be expected the removal of the distress and difficulties which at present existed in both countries. He had felt himself called upon thus far to state his views upon this important question, although those views might be erroneous, yet they were sincere; and after the discussions which had taken place, he felt he ought not longer to detain the House in the expression of his opinions upon the plans propounded and enforced by the right hon. Baronet. He would however promise him his best assistance in forwarding his tariff; but with regard to the Income-tax, he must tell the right hon. Baronet he could not give him a vote in its favour.

House in committee.

On clause 1 being proposed,

Mr. *B. Wood* expressed a desire to ask a question of the right hon. Baronet at the head of her Majesty's Government, with reference to the operation of this clause and the schedules which formed a part of it. The schedules declared that a certain sum in every 20*s.* of income should be collected, from whatever source that income was derived; and he found no provision in the bill, the effect of which was to entitle a person to deduct the loss sustained in respect of one source of income from the gain derived from another source of income. He might better explain his meaning by putting a suppositious case, and he would suppose that a person under schedule A gained a profit from landed property, but that under schedule D he sustained a large loss by reason of trade speculations. As the bill stood, notwithstanding the reduction of his real income by losses under schedule D, he would yet have to pay the full amount of tax levyable in respect of his landed property under schedule A. The case of a farmer might be supposed, who was also engaged in mercantile business. By his farm he might gain 1,000*l.*, but by trade he might lose 2,000*l.*, and yet he would have to pay the Income-tax upon 1,000*l.*, although he would in reality derive no benefit from the exertions of the year. In the case of a person whose income was small—so small as scarcely to exceed 150*l.*, from whatever source it was derived, he was compelled to add together the various sums which he obtained from the various sources of gain, and so render himself chargeable with the tax. Thus, a man who derived 50*l.* from landed property, 50*l.* from funded property, and 50*l.* from his own exertions in a trade or profession, was to be compelled to pay a tax on the aggregate: but surely, if this was a fair principle, that to which he had before adverted, and which forbad the deduction of the loss under one schedule from the gain under another, could not be supported upon any ground of fairness or justice. He begged to inquire whether there was any disposition on the part of the Government to alter the provisions of the bill in this respect? The principle of deduction, to which he had alluded, was carried out with respect to mines, and he saw no reason why it should not be extended further.

The *Chancellor of the Exchequer* thought that the observations of the hon. Member would have fallen from him better at a time when the schedules were under discussion than at the present moment, but he had no difficulty in saying that the principle of the bill was that which the hon. Gentleman had stated, and that it was not intended to permit the loss under one schedule to be set off against the gain under another. He would put this case. A gentleman was the owner of an estate, and farmed his own land. The probability was, that being a gentleman farmer, his speculations would produce a loss instead of a gain. But would the hon. Member contend that his loss in farming should be set off against the annual value of the land which he farmed, and which it would realise in the hands of another individual? He thought that to do so would be to sanction a great abuse, and to adopt a course which would not meet with general approbation. The hon. Member had stated the principle upon which the assessment of the tax upon an income of 150*l.* derived from various sources, was founded perfectly correct, and he thought that the committee would agree with him that that was the fair principle.

Mr. *B. Wood* said, the person who farmed his own land and sustained a loss by it, had no property which could be taxed under the bill. An hon. Friend behind him said, "Nonsense!" His hon. Friend was himself an excellent farmer, and was not likely to be in such a predicament; but he begged to tell the right hon. Baronet and the House that where a man was so nonsensical as to farm land at a loss, instead of letting it to an industrious clever farmer to cultivate it for him, he ought not to be taxed for a profit he did not realise. A man might be the owner of a ship, and be foolish enough to navigate it himself instead of employing a captain who was brought up to the service, and it surely would be most unfair to tax him for the profit he ought to have made. He would state an instance that had occurred to a Friend of his under the old Income-tax, and which he had mentioned to the House a few nights ago. His friend realised a profit of 25,000*l.* upon mines, but in the course of the year he lost 40,000*l.* by trade, and yet he was compelled to pay an Income-tax of 2,500*l.* upon the profit he had derived from his mines, being at the rate of 20 per cent., the two trades being charged under different schedules. Now if the matter was a fair and equitable one, why not include all these trades under one schedule. There was no occasion for a bill of 190 clauses, or for a bill that would reach from London to York; and he suggested that schedule A should be postponed or rejected.

The *Chairman* begged to call the attention of the committee to the real question which was at present waiting for decision. That was, whether the blank in the bill, by which the date of the commencement of its operation should be declared, should be filled up with the words "5th day of April, 1842."

Mr. *Blewitt* thought, that it was perfectly anomalous that they should be now, on the 25th of April, debating whether the bill should come into operation on the 5th of April.

Mr. *B. Wood* had not yet received any answer to his question from the right hon. Baronet, to which he requested his attention.

Mr. *Hume* thought, that the question with regard to the commencement of the operation of this bill was one of considerable importance. He begged to know at what time it was proposed that the tariff should take effect?

The *Chancellor of the Exchequer* pointed out that the operation of the bill was to be confined to three years. It was really matter of no importance at what time the operation of the bill commenced. It was more convenient that it should commence from the 5th of April, and he saw no reason for making any alteration in the bill in this respect. The bill for the alteration of the tariff would take effect from the date of its being passed. He begged to point out that the tariff was to be permanent in its effect, while the Income-tax was a merely temporary measure, which was to endure for three years only.

Viscount *Howick* thought there could be no objection to the bill being made to commence on the 5th of April. Although the bill would take effect from that date, it was to be observed that the first payment was not to be made until the month of October.

Mr. *Hume* observed that the general scope of the measures of the right hon. Baronet was to give some relief to the public. Surely, if such were the real intention of the Government, the operation of all the component parts of those measures should be made co-extensive.

Sir *R. Peel* said, that the financial statements of the Minister of the Crown were always made with reference to the ordinary financial year, which commenced on the 5th April, and the bills introduced to carry out the views embodied in those statements were drawn with a similar object. It was proposed that this measure should endure for three years, and whether it commenced in the month of July, 1842, and ended in July, 1845, or whether it commenced in April, 1842, and terminated in April, 1845, appeared to him to be quite immaterial. The object in naming the 5th of April as the day from which it should take effect was, that the ordinary financial arrangements should not be prejudiced. He begged to remind the House that if the Corn-bill had received the royal assent on that day, it would take effect immediately. But he really submitted to the House that it was not worth while to make any alteration in this bill upon the point referred to.

Mr. *Ward* would only venture to express a hope, that in the discussion of this question of time, the main point mooted by the hon. Member for Southwark, and which was really of great importance as a matter of principle, would not be forgotten.

Question that the blank be filled up with the words "5th of April 1842" named, put and agreed to.

Upon the first schedule "That upon

property in lands, hereditaments, &c., the sum of in the pound should be paid, and on the question that the blank be filled up with the words sevenpence."

Mr. *B. Wood* again pressed upon the right hon. Baronet the point to which he had first alluded, and in reference to which the right hon. Baronet had as yet afforded no explanation to the committee. He should feel himself called upon to divide the committee upon the subject, and as the same question would arise upon every schedule, he should oppose each one in turn. He, therefore, moved as an amendment, that this schedule be omitted.

Mr. *G. Palmer* thought, that the question was hardly understood. It was, whether every person throughout the country should be called upon to pay the duty upon more than his *bonâ fide* income. He could not support a measure which would inflict such injustice as to impose the tax upon all income, and which did not confine it to that income which was in the nature of clear profit only.

Mr. *F. T. Baring* thought, that the objection of the hon. Member for Southwark was entitled to great consideration, and that the discussion ought not to be terminated until such consideration was given to it. He did not ask for an immediate answer to that objection, because there might be some difficulty in making alterations in the bill to meet it, and he should, therefore, recommend that the hon. Gentleman should not divide now against the schedule, but that he should leave the question in the hands of the right hon. Baronet for the present: and that at the conclusion of the discussion, in the event of no alteration being proposed by the Government, he should move to bring up a clause to effect the remedy which was demanded.

The *Chancellor of the Exchequer* said, the question was one of extreme difficulty and which required mature deliberation. That was a very considerable relaxation of the old law in the bill now before the House. Under the former Income-tax Act the proprietor of landed property, however small the amount, was compelled to pay the tax to the full extent of the income derived by him from such property, the only exception which was made being in favour of copyhold property. This, it would be observed, was altered. The mode of effecting the levy was also entirely different from that which formerly prevailed. He had already said, that this point was one of extreme difficulty; but he, of course, would give his best consideration to it. He would only add one observation with regard to what had fallen from the noble Lord opposite in reference to the period of payment of this tax. It was quite true that generally the tax would be payable for the first time on the 5th of October next. With regard to funded property, and the salaries of public officers, the course would be different; for as the income derivable from such sources was paid quarterly, so also would the tax be levied quarterly; the first quarterly payment being called for upon the first opportunity after the passing of the bill into a law.

Mr. *Roebuck* said, the Chancellor of the Exchequer seemed to agree with the proposition of the hon. Member for Southwark, as far as incomes of 150*l.* a year were concerned. But the right hon. Gentleman said this—"You have got 100*l.* from land, therefore you shall pay 3*l.* upon that." But, says the party so taxed, "It is true I have got 100*l.* a-year on land, but I have lost on my trade. If you will not make any reduction on my trade loss, I tell you I have not 300*l.* a-year, but only 200*l.*" "Oh," says the Chancellor of the Exchequer, "I do not care a farthing about that, the principle laid down is to tax the property of all." Now, he asked, was that principle in accordance with justice or common sense? He was quite sure that the right hon. the Chancellor of the Exchequer had no answer to give him. The simple principle of the right hon. Gentleman was this; adding up the whole proceeds of a man's income I find that he has not 150*l.* a-year, therefore he is exempt; but adding up all the proceeds of another man—whether there was loss in trade or not, I find he has 200*l.* a-year, and therefore let him pay. The principle of the right hon. Gentleman was, he has from land 150*l.* a-year, and he must get from other sources 100*l.* a-year, and therefore, I will charge him on another 150*l.* or 200*l.* Now, he wanted to know how that could be done.

Sir *G. Clerk* was surprised to hear an objection made to charging fixed property to the fullest extent. If a party had 200*l.* a-year from fixed or funded property, he must pay duty on 200*l.* a-year. Many Gentlemen might choose to engage in trade for their own amusement, and might throw away a large portion of their property. He would take the case of a man possessed of 1,000*l.* a-year in land, who might choose to engage in speculations at Newmarket, and incur great losses on horse-racing. He might spend a large portion of his income in a manner which pleased him; but that was no reason why his fixed property should not pay a full proportion to the exigencies of the State. If he made anything by these speculations, it would be added to his income, but if he suffered a loss by them, he was not to be exempted from payment of his proportion on his real and fixed property.

Viscount *Howick* thought, that the answer of the hon. Baronet went much further to support the argument raised by the hon. Member for Southwark, and the irresistible justice of his claim, than anything which had yet been said. They were told, that every man should pay a certain per centage upon the amount of his income; and they, in answer, admitted it, but contended, that if a man lost, he was not entitled to reduction. The principle contended for, was admitted to a certain extent by the Members of her Majesty's Government, because they declared, that where a landowner had mortgaged his land, he should only pay for the income which he possessed after paying the interest on the mortgage. But if a man possessed of landed property, engaged in trade, which was necessary to the support of his family, and chanced to lose, he was to be taxed to the full amount of the income which he derived from that property. He thought, that the argument was irresistible in favour of the proposition that the payment should be called for only in respect of the sum which was left to him. The hon. Baronet said, that a man might go to Newmarket and lose his money; and that, because such might be the case, a person losing his money by honest speculation was to be deemed equally disentitled to consideration. He really would not weary the committee by arguing a question which must be so plain to the common sense of every one as that there existed no possible analogy between the two cases. He trusted, that the House would not pass this bill unless the Government, in the course of its discussion in committee, would propose a clause by which the amount of the tax to be levied should be confined to that which was the real amount of available income. As he was speaking on this question, he would take the opportunity of making an observation in reference to the mode in which this bill was brought under the attention of the House, and he must say, that he thought the House had a right to complain that it had not been brought forward in a proper manner, and that it was produced in a state which involved needless difficulties to those who were compelled to wade through the 130 pages of which it was composed. He remembered that, when he had the honour to belong to the late Government, they had introduced a measure relating to the relief of the Irish poor; but, as the bill was of considerable length, they had thought it necessary to give the House all the assistance in their power by subjoining to it a carefully prepared abstract, which enabled hon. Members to arrive at the effect of its provisions with much less trouble than was required by this bill. He had read a great portion of this bill, and he had found that to arrive at even a moderate comprehension of its details, called for the exercise of a great deal of patience, and the loss of much time. The clauses were complicated, and difficult to comprehend; and he thought that, if possible, even now such an abstract should be furnished as he had suggested.

The *Chancellor of the Exchequer* said, that everything had been done to enable the House to understand the measure as framed, and a copy of the old Income-tax Bill had been forwarded to every Member, in order that he might see in what particulars the proposed measure differed from it. He contended, that the different sorts of property from which income might be derived, should, of necessity, be set out in the bill, and that from the earliest period at which an Income-tax had ever been devised, schedules for such purposes had been found necessary, and the rule, as followed out in the present bill, was essential. As the duty applicable to different kinds of property was to be levied differently, separate schedules were absolutely required; but although the Government were anxious as far as possible to prevent injustice, he could only at present say that they were ready to take the subject into consideration, their object being to render this law as palatable, and as little oppressive as possible. Beyond this, he could give no assurance.

Mr. *Hawes* could not understand the

value of the promise of the right hon. Gentleman, for in his opinion, the right hon. Gentleman's statement amounted to literally nothing beyond the willingness of the Government to take the matter into consideration. Now, the point raised by the hon. Member for Southwark was one of very great importance. The question was, was this a bill to tax income, or was it not? By the bill, as it stood, it would appear that they were about to tax property, and not income; but was the course adopted just? Might not the whole matter be placed in a single schedule? All that was required was, that net income, no matter how arising, should be ascertained, and that on that the tax should be levied. The public cared not from what sources income was derived, or whether it was derived from one or from several sources. What they required was, that when the amount of income was ascertained, it should contribute its due proportion of the tax, and no more. That was a proposition very different from the one contained in this bill, and which, in his opinion, would operate to make some parties pay more than they ought to pay, and allow others to escape free.

The *Chancellor of the Exchequer* said, the object of the Government was to tax all masses of property, and hence the necessity for several schedules. Schedule A applied to those who would come under the description of a property-tax, because the amount of the tax payable by the landlord or his mortgagee would be paid, not by the owner of the property, but by the occupying tenant, who would have no motive for deception or concealment. This was the preferable arrangement. What the hon. Gentleman proposed, would introduce the same uncertainty with regard to income derived from permanent property that must exist in the case of income resulting from trades and professions, as under schedule B. Now, it was this that involved the whole difficulty, because he feared that if they were to call for the amount derived from every source of income, they would be opening a door to frauds and evasions which would utterly defeat the object which the bill had in view.

Mr. *Roebuck* contended, that the distinction made by the right hon. Gentleman was opposed to the doctrine which the right hon. Baronet had laid down. The right hon. Baronet had said, that his object was to tax income, whether derived from property or any other source, the same way, but this was not consistent with the statement of the right hon. Gentleman. The right hon. Gentleman distinguished between income resulting from property, and income arising by other means, and if they were really to have a property-tax, the better way would be to make that a separate measure, and dispose of it in the first instance. But would the right hon. Baronet stand by this distinction? Would he separate the matter into two bills? Would he consent to bring in a bill for the purpose of taxing property alone, and another for the other part of the subject? He should like him to do this, for when they had dealt with the property-tax, they could proceed with the Income-tax.

Sir *R. Peel* wished, in the first place, to observe, that the present bill was drawn up, and professed to be drawn up, on acts which existed during the war for the imposition of the Income-tax. The bill followed and dealt with the different descriptions of property which were specified in the act of 1806, and that act divided property into five different classes or schedules. It was apparent that this was done because the duty on property was levied in five different modes. By the first schedule, all lands, tenements, &c., were charged in respect of the property thereof. By the second, all lands, tenements, &c., were charged to the occupiers at one-half the rent. By the third, a charge was made upon all profits arising from annuities and dividends from the public funds or from other sources. By the fourth, a charge was made upon the annual profits or gains derived from professions, trades, employments, or vocations; and by the fifth, a charge was made on the salaries of all public officers, and upon all annuities, pensions, &c. Now, was it not obvious, that to obtain the amount of increase from each of these sources, they got it from different modes of levying. The question, however, before the committee, was different from this. It appeared, that it would be necessary to retain the schedules for the purpose of carrying out the tax. It was suggested, that as the tax was only proposed for a limited period, it would be well to make exceptions which did not exist before. He begged the committee to recollect, that it was not merely the practice for the three years during which it was proposed the tax should continue, but that a principle should be adopted which should be adhered to in case it should be necessary to have recourse to this tax again. What he maintained was, that in a desire to do justice in a particular case, they should take care that they did not open a door to fraud and evasion of the tax. He begged the House to remember it was not merely in the calculation of the loss of 3 per cent. for three years, but what would be the effect of an exception if the imposition of this tax should become necessary in time of war. If you hastily adopted exceptions, they might not be merely of a temporary but of an ulterior nature. This was all that he meant to assert. He admitted, that the statement of the hon. Gentleman carried with it a great appearance of justice, and that they should put the loss on one side against the gains on the other. This was apparently just. At the same time it was a matter of the utmost importance to consider, whether in attempting to meet this case, they did not offer opportunities for great frauds and injustice. The hon. Gentleman did not give the committee the exact nature of the proviso which he wished to have adopted, but at any rate this was not the time to adopt it. To reject the schedules as they now stood would be a most inconvenient mode of dealing with the subject. He believed, that the proper place to make the proposition would be when they arrived at pages 33 and 34 in the bill. They were now on the consideration of the mode of obtaining the incomes from lands, tenements, &c., but the proposition of the hon. Gentleman, which was something of an involved nature, could only admit of consideration at a later period. He begged the committee to remember, that if they departed from the principles of the act of 1806, they must look to a different mode of carrying out the bill. He could suppose many apparent individual cases of hardship, which if they attempted to deal with, they must make the most complete alteration in the former act. Suppose, for instance, the case of a gentleman of large landed property; in assessing the tax, the reduction in the amount of income would be made through the tenant. But suppose the gentleman chose to indulge in some farming scheme of an extravagant nature himself, on a portion of his property—should they make a deduction from the income of the one part of the estate, in consequence of the loss on the other. Again, suppose a person was a large landed proprietor, and was also the owner of a West-Indian estate—would you make a deduction of the losses of the latter from the gains of the former? He was sure, that the House must be satisfied that his right hon. Friend and himself were bound not to give up powers under the act which would affect its operation. They, however, would consider whether they could not make exceptions, which would remove some grounds of complaint, but at the same time care must be taken, that they did not afford facility to fraud, and thus make the tax bear the heavier on certain classes. The hon. Gentleman had mentioned one individual case of hardship, and he confessed, that he should be happy to meet the case, if it could be done without affording facilities for fraud and evasion, when they came to the consideration of the proper clause. Either his right hon. Friend or himself would state the reasons which influenced them when they came to that clause, but to make or adopt any proposition in the schedules would be an inconvenient course. He was aware, that the hon. Member was not a gentleman of professional habits; it, therefore, would be too much to ask him to draw up a clause on the subject which would embody his views, but he should like the hon. Member to give notice of a motion on the subject, embodying his views,—showing on the one hand how he would afford relief, and on the other how he would prevent frauds. He trusted, that the committee would not assent to the present proposition.

Viscount *Howick* thought, that the right hon. Gentleman could not be expected to say more than he had said. He agreed with the right hon. Gentleman, that if they kept the bill at all, it was necessary to maintain these schedules, for if they did not they might make the bill much more oppressive, in consequence of its inequality. He must protest against calling upon the hon. Member for Southwark to draw up a clause in the bill like the present, for it would require that professional assistance which alone her Majesty's Government could obtain. The right hon. Baronet opposite had promised to take the subject into his consideration, and he therefore trusted, that the hon. Member for Southwark would not press the subject further at present.

Sir *R. Peel* remarked, that all that he asked from the hon. Member for Southwark, was the general terms of his motion, and he would relieve him from the trouble of putting the clause in form. The hon. Member might do this in very general terms.

Mr. *B. Wood* said, that his object on the present occasion was to draw attention to the subject, and he confessed, that he had expected the right hon. Baronet would have made a voluntary offer to meet the difficulty which he had pointed out. His object, however, had been obtained, as the attention of the House and the Government had been directed to the subject. He wished to throw no impediment in the way of the bill by the proposition which he had made. He thought, that the right hon. Baronet might at once promise to draw up a clause on the subject. He asked for nothing but justice, and he would not countenance any fraud on the subject, and none could be committed if the case was properly met. All that he wished was, that no man should be called upon to pay more than the tax on his real income, and it was no matter, in his estimation, under what schedule he derived it. The right hon. Baronet also seemed to say, that they were now establishing a proposition for a tax which might last for more than three years, and that, therefore, it would not do to depart from the old Income-tax. It should be recollected, that the former tax passed at a period of great excitement, when money might have been wanted at a most pressing emergency, and that, therefore, there was a necessity of passing the bill with as little delay as possible. There was no necessity at present why they should not act in this case with the greatest deliberation and attention to the matter in all its bearings. He confessed, that in carrying out the suggestion which he had made, he relied more on the good feeling of the right hon. Baronet, than on his words that night.

Sir *R. Peel* had not said or intimated that there was any intention of continuing the Income-tax beyond three years.

Mr. *B. Wood:* It might be inferred from the tone of the right hon. Baronet.

Sir *R. Peel* was not aware of that; but, perhaps, the hon. Gentleman supposed that the tax might become so popular that the public would prefer it, in contradistinction to other taxes. He, however, had given no opinion whatever as to the probable continuance of the Income-tax beyond three years. With respect to the proposition of the hon. Gentleman, he could only say, that when he made a promise, he intended to adhere to it; and he had, therefore, not said more than that he would take that matter into his consideration. He intended to adhere to the main principles of the act of 1806, and he would consider with his right hon. Friend whether a clause could not be drawn to meet the case stated by the hon. Gentleman, and analogous cases, which, at the same time, would not open the door to fraud and evasion. He would give the hon. Gentleman due notice of his intention; and if he was dissatisfied, he could, at a subsequent stage of the bill, take the sense of the House. He hoped, however, that the hon. Member would draw up his case in general terms.

Sir *W. James* called the attention of the committee to the effect that would arise from the mode of calculating the profits in a case where an individual carried on two pursuits under the one schedule. He agreed in the abstract justice of the suggestions of hon. Gentlemen opposite, but he thought that every one must perceive the difficulty of carrying them into effect; and the right hon. Baronet had only acted with fairness and justice in calling on hon. Members opposite to show that those suggestions could be carried into effect without injuring the machinery of the bill.

Mr. *Wallace* did not see why a man should pay for more than his income, and it appeared quite immaterial to him, if they took the whole amount, from what source it was derived.

Blank filled up with 7*d.*

Schedule B. was proposed.

"For all lands, tenements, and hereditaments in England, there shall be charged yearly in respect of the occupation thereof, for every twenty shillings, of the annual value thereof, the sum of

The question put was, that the blank be filled up with the words "threepence halfpenny."

Mr. *Roebuck* said, the words in the schedule would apply to every house in England.

Viscount *Howick* said, that it appeared to him that by the operation of one part of the schedule great injustice was inflicted upon a certain portion of persons connected with the landed interest. In the first place, a charge was levied on the landlord. In the next place, it was proposed that the tenant should be taxed in his income with every other person deriving income from trade or profession. But, then, in the case of a tenant, an arbitrary rule was introduced for estimating the profit of the farmer. A rule was arbitrarily laid down, which did not apply to any trade, and in many cases it would be found in its operation very wide from the truth. If any Gentleman connected with the agriculture of the south of Scotland or the north of England were present, he trusted that they would join in making a stand against the adoption of any such rule. It was notorious, that rent was paid after the deduction of the amount of profit on the capital employed, and of the expenses of cultivation. When the farms were large, there would be an apparent income to tax; but when they were divided, they would escape from the operation of the tax altogether. In the county which he had lately the honour to represent all the farms were large, and the greatest skill and intelligence were manifested in their cultivation. Undoubtedly apparent large rents were paid to the landlords, but this arose from the circumstance of the size of the farms and the capital which had been laid out in their improvement. Now, he would take a farm in his neighbourhood, paying 900*l.* a-year rent, and he knew many farms paying that amount of rent, and even much larger sums, to the landlords, and those farms in the north of England paying 300*l.* a-year each. In the first case, you would assume an arbitrary profit to the amount of 450*l.* a-year, and would tax him accordingly, while, in the latter, you would derive no income at all. He could not help feeling that the tendency of the present rule would be to impede, if not to prevent, an improved cultivation. This, he contended, would be the necessary effect of this clause. He called, therefore, upon those who professed to be such strong advocates for the agricultural interest, and who promised to make such a great fight against any alteration of the Corn-laws, to come forward and prevent the infliction of what he must consider to be a great act of injustice. It appeared to him, that it would be desirable to strike out schedule B, and to insert the farmers among the traders in schedule C. He was sure, that odious as the tax was to the farmers in the county with which he was connected, they would rather pay the tax upon profits, with other traders, than submit to the arbitrary rule laid down in this bill of a fixed tax on rent. One article of farming produce was treated with especial favour as an article of trade, and why not other articles?

The *Chancellor of the Exchequer* said, that whatever difficulties existed in this bill were only copies of those in the former act, and certainly of all the parts of the old Income-tax that which was least complained of was the mode in which the farmers were assessed. The principle adopted was considered the best calculated to arrive at a fair and correct result.

Lord *Worsley*, much as he objected to the tax, must confess that the farmers he was acquainted with would rather have their proportion of it assessed upon their rent, than to have to submit to the inquisition necessary to imposing a tax on their profits, which naturally depended on many varying circumstances.

Mr. *Hume* thought the right hon. the Chancellor of the Exchequer had afforded a striking illustration of the injustice of the whole affair. He could understand no reason why blunders in legislation should be perpetuated in this way.

Blank filled up with 3½. The next blank, respecting the tax on lands, &c. in Scotland, was filled up with 2½. The schedule B was ordered to stand part of the bill.

On the proposal of schedule C, imposing 7*d.* in the pound, without deduction, on all profits arising from annuities, dividends, and shares of annuities, payable out of any public revenue,

Mr. *Baring* asked whether it was proposed to tax foreigners holding property in our funds?

Sir *R. Peel* said, that such was the intention, otherwise much fraud and evasion might take place.

Mr. *Baring* said, he should call the attention of the House to the subject before they went out of committee. He thought the national faith was involved in the question.

Mr. *Hume* said, that in laying a tax upon annuitants in the funds, they would be violating the public faith. The Loan Act exempted the public dividends from taxation; and, indeed, it would be preposterous that those who had borrowed money should tax their creditors.

On the question that the blank be filled up with the word "seven-pence,"

Mr. *Ricardo* rose to propose the amendments of which he had given notice, having for their object to proportion the taxation upon terminable and life annuities according to the scale set forth in the tables as follows:—

"In Schedule C, after the word 'deduction,' to insert 'save and except all such annuities payable out of any public revenue as shall have been granted or may hereafter be granted for definite periods of time, or limited terms of years, upon all which last described annuities there shall be charged the several sums set forth in the following table; that is to say—when the price of the 3 per cent. per annum Reduced Bank Annuities, as notified by the commissioners for the reduction of the national debt, for the purposes of an act passed in the 10th year of the reign of his Majesty king George IV., cap. 24, if the same is determinable in a period computed from the day of assessment,

Shall be 80 per cent. and under, then for every 20*s*. of term annuity,		If above 80 per cent., & under 86 per cent.	
Years.	*d.*	Years.	*d.*
Under 2	½	Under 2	½
From 2 to 4	1	From 2 to 4	1
— 4 to 6	1½	— 4 to 6	1½
— 6 to 9	2	— 6 to 9	2
— 9 to 12	2½	— 9 to 12	2½
— 12 to 15	3	— 12 to 16	3
— 15 to 18	3½	— 16 to 19	3½
— 18 to 22	4	— 19 to 24	4
— 22 to 27	4½	— 24 to 29	4½
— 27 to 33	5	— 29 to 36	5
— 33 to 41	5½	— 36 to 44	5½
— 41 to 52	6	— 44 to 56	6
— 52 to 70	6½	— 56 to 75	6½
— 70	7	— 75	7

If 86 per cent., and under 93.		If 93 per cent. and above.	
Years.	*d.*	Years.	*d.*
Under 2	½	Under 2	½
From 2 to 4	1	From 2 to 5	1
— 4 to 7	1½	— 5 to 8	1½
— 7 to 10	2	— 8 to 11	2
— 10 to 13	2½	— 11 to 14	2½
— 13 to 17	3	— 14 to 18	3
— 17 to 21	3½	— 18 to 23	3½
— 21 to 26	4	— 23 to 28	4
— 26 to 31	4½	— 28 to 34	4½
— 31 to 38	5	— 34 to 42	5
— 38 to 47	5½	— 42 to 51	5½
— 47 to 60	6	— 51 to 65	6
— 60 to 81	6½	— 65 to 88	6½
—	7	— 88	7

"And save and except all such annuities payable out of any public revenue as shall have been granted, or may hereafter be granted, upon lives, upon all of which last described annuities there shall be charged the several sums set forth as follows, viz.:—When the price of the 3 per cent. per annum Reduced Bank Annuities as notified by the commissioners for the reduction of the national debt, for the purposes of an act passed in the 10th George 4th, cap. 24, shall be 80 per cent. and under, then for every 20*s*. of life annuity, if the party during whose life the annuity is payable and of age on the day of assessment, there shall be charged—

MALES.		FEMALES.	
Years.	*d.*	Years.	*d.*
From 15 to 30	5	From 15 to 24	5½
— 30 to 41	4½	— 24 to 38	5
— 41 to 48	4	— 38 to 48	4½
— 48 to 55	3½	— 48 to 54	4
— 55 to 62	3	— 54 to 60	3½
— 62 to 68	2½	— 60 to 66	3
— 68 to 74	2	— 66 to 71	2½
— 74 to 80	1½	— 71 to 77	2
— 80 to 87	1	— 77 to 85	1½
— 87	0½	— 85 to 91	1
		— 91	0½

"When the price of the 3 per cents. shall be above 80 and under 86 per cent. then for every 20*s*. of life annuity:—

MALES.		FEMALES.	
Years.	*d.*	Years.	*d.*
From 15 to 25	5	From 15 to 20	5½
— 25 to 38	4½	— 20 to 34	5
— 38 to 46	4	— 34 to 45	4½
— 46 to 53	3½	— 45 to 53	4
— 53 to 60	3	— 53 to 59	3½
— 60 to 66	2½	— 59 to 64	3
— 66 to 73	2	— 64 to 70	2½
— 73 to 80	1½	— 70 to 76	2
— 80 to 87	1	— 76 to 84	1½
— 87	0½	— 84 to 91	1
		— 91	0½

"When the price of the 3 per cent. per annum Reduced Bank Annuities shall be 86 per cent. and under 93 per cent., then for every 20*s*. of life annuity, if the party during whose life the annuity is payable, and of an age on the day of assessment, there shall be charged—

MALES.		FEMALES.	
Years.	*d.*	Years.	*d.*
From 15 to 19	5	From 15 to 30	5
— 19 to 35	4½	— 30 to 42	4½
— 35 to 44	4	— 42 to 50	4
— 44 to 51	3½	— 50 to 57	3½
— 51 to 58	3	— 57 to 63	3
— 58 to 65	2½	— 63 to 69	2½
— 65 to 72	2	— 69 to 75	2
— 72 to 79	1½	— 75 to 83	1½
— 79 to 86	1	— 83 to 91	1
— 86	0½	— 91	0½

"When the price shall be 93 per cent. and above, then for every 20*s*. of life annuity, if the party during whose life the annuity is payable, and of an age on the day of assessment, there shall be charged—

MALE.		FEMALE.	
Years.	*d.*	Years.	*d.*
15 ..	.. 5	From 15 to 25	.. 5
From 15 to 31	.. 4½	— 25 to 38	.. 4½
— 31 to 41	.. 4	— 38 to 48	.. 4
— 41 to 49	.. 3½	— 48 to 55	.. 3½
— 49 to 56	.. 3	— 55 to 61	.. 3
— 56 to 63	.. 2½	— 61 to 67	.. 2½
— 63 to 70	.. 2	— 67 to 74	.. 2
— 70 to 78	.. 1½	— 74 to 82	.. 1½
— 78 to 85	.. 1	— 82 to 90	.. 1
— 85 to —	.. 0½	— 90 to —	.. 9½

"And for all purposes of this act any term or life annuity chargeable with a duty of 3*l.* 7*s.* 6*d.* shall be estimated as an income of 150*l.* per annum."

The hon. Gentleman said, that the right hon. the Chancellor of the Exchequer had said last year that if the debt had been diminished no credit was due to the late Government, but to those who had adopted the system of terminable annuities. It should, however, be remembered, that though this might have been used as a sinking fund for the diminution of the debt, the charge to the country was increased. If terminable annuities were made at twelve years' purchase, at the end of ten years they would be worth only two years' purchase, and the right hon. Gentleman took as credit the difference from twelve years to two. Did not the right hon. Gentleman himself admit that terminable annuities were but the repayments of principal, and would he now turn round upon the holders and pronounce them income? If this tax pressed heavily upon terminable annuities, it fell with equal weight upon life annuities. If an old man of eighty exchanged a permanent annuity of 36*l.* a year for a life annuity of 259*l.*, the proposed measure would reduce the amount to 252*l.* Now, he asked, would the Government continue to issue a paper of this kind, promising 259*l.*, when they only gave 252*l.*? In taxing these life and terminable annuities they were about to commit an injustice by means of the trust which had been reposed in their credit and good faith; and he called upon them to abstain from it, not because the injury would affect large and wealthy institutions, but thousands of individuals who were placed at their mercy. He could not understand the argument for refusing redress of injustice on account of the inconvenience and trouble it would cost. If they adopted that sort of arm-chair legislation there would be no end to the injury they would inflict upon the public. Why not confiscate 3,000,000*l.* of the most accessible property at once. It would be a more simple proceeding, and very little more unjust or arbitrary. The assessment of terminable annuities was a breach of faith defensible by no argument, and only depending on an arbitrary will backed by a large majority. The hon. Gentleman proposed his amendment.

The *Chancellor of the Exchequer* had not expected that the hon. Gentleman would have moved his amendment on this part of the bill. He thought the proposition now made went on grounds that were entirely erroneous. He did not admit with the hon. Gentleman that the measure proposed by Government would be a breach of the contract entered into with the annuitants at the time when the annuities were granted, or that it was one which they were not fully prepared to expect would be made when the public necessities required it. The hon. Gentleman had stated that the case was entirely without precedent, but he was decidedly wrong, for on all the several occasions on which an income or property-tax had been formerly imposed, no distinction had been made between the holder of a public annuity which was to continue for ever, and the holder of a public annuity which was to last for the shortest period. The question had come before the House on the first discussion of the Income-tax. There were then annuities outstanding as at present, long annuities and life annuities, but in neither of those cases did the House think there was any ground for exempting the holders from taxation, and he hoped that no such precedent would now be established. The whole difficulty of the question and the force of the argument used by the hon. Gentleman arose from the circumstance of this being a temporary tax, imposed for a limited period. The hon. Gentleman could not deny, if the Income-tax were to be perpetual, that there would be no injustice whatever in taking the same amount from the annuitant for a term of years as from the man who held a permanent income; for, though during the years for which his annuity lasted, the former might pay a large amount, yet, the tax would fall more heavily, in the end, on the permanent annuity. Thus, an annuitant receiving 10 per cent. for ten consecutive years, would not have paid so much to the Government at the end of forty years as one who received 3 per cent. during that period. Had the imposition of the Income-tax, he would ask, caused a fall in the value of those annuities which the hon. Gentleman said were to be so seriously taxed? He had made specific inquiries as to what had been the effect on the market price of annuities in the city consequent on the declaration that it was not intended to exempt them from the charge. He would have brought with him a document containing a statement of the precise facts had he known that this amendment would now have been brought forward. He found that the rise in the price of annuities had been equivalent to the rise which had taken place in the other funded property of the country. If, therefore, these annuitants, who felt themselves so grievously affected by the present measure, wished to relieve themselves from all possible inconvenience they had the opportunity of converting the stock into another species of funded property, and placing themselves in the pleasant situation, as the hon. Gentleman seemed to think it, of holding a permanent annuity. He knew that some of the men most skilful in monetary concerns in this country had, within a very few days, made many large purchases of these annuities, notwithstanding all the impending danger of which the hon. Gentleman spoke. The right hon. Gentleman opposite stated, on a former occasion, the extreme difficulty they would have if they made a distinction in the amount of taxation according to the duration of incomes in the hands of individuals. The larger proportion of annuities were not of a permanent character, as was the case, for instance, with the holder of an estate who possessed but a life interest in it. It was certainly a dangerous principle to say that the amount of tax should be proportioned to the duration of the income, for on the same grounds as those put forward by the hon. Gentleman the holders of life incomes derived from professions and other sources might also lay claim to exemption.

Mr. *Ricardo* observed, that the actual price of annuities in the market was equal to somewhat under 70 Consols.

The *Chancellor of the Exchequer* said, he had spoken of the comparative rise in the prices of annuities and other species of funded property. Taking the price of the funds previous to the announcement of the property-tax and the price of annuities, and taking both at the present time, it would be found that the rise in the price of each description of stock was about equal.

Mr. *V. Smith* observed, that all the right hon. Gentleman (the Chancellor of the Exchequer) appeared to be able to urge against the amendment of the hon. Member was, that he was totally unprepared to find him bringing it forward at that stage of the bill. That at the best was a very lame excuse, but even bad as it was it could not be accepted, for the hon. Member had given notice of his intention to move his amendment at precisely that part of the bill, and at the very word at which he had proposed it to be inserted, namely, in line 3 of Schedule C, so that if the right hon. Gentleman had had any documents to produce, whereby he would have refuted the arguments of the hon. Member, he had had ample time for their production. The right hon. Gentleman, however, had refused to modify the clause by agreeing to the introduction of the amendment, and his only reason for refusing to do so was, because it was impossible to avoid committing a certain amount of injustice by the bill, and it was impossible to remedy this evil in all the instances in which it could be shown to exist, therefore he would not do it in the present case. The terms upon which the bargain was struck with the present holders of terminable annuities, were such as ought, in equity, to exempt their holders from being subjected to the same tax as that imposed on permanent annuities, for by the arrangement made there would be 4,000,000*l.* of interest on the national debt cancelled at the expiration of fourteen years, whereas had the terminable annuitants retained their former position as holders of dividends they would have escaped a very large portion of the tax which it was now proposed to impose on them. The right hon. Gentleman had asserted that the proposed tax had not lowered the price in the market of terminable annuities, but this had been denied; and moreover, if true, it was no proof of the justice of the tax, for the steadiness of the quotations might have been maintained by a belief that the Government would not persevere in carrying this part of the bill into effect when the gross injustice of it should have been pointed out. He sincerely trusted the hon. Member would take the sense of the House upon his amendment.

Viscount *Howick* admitted there would be great difficulty in apportioning taxation to the previous expectation of the parties; but he thought his hon. Friend had succeeded in showing that special grounds existed in this case. After inducing possessors of permanent annuities to exchange them for terminable annuities, in order to diminish the public debt, it would be contrary to all sense of justice now to impose upon them additional taxes.

Mr. *Philip Howard* had opposed as inexpedient, and as not justified by present necessity, the imposition of an Income-tax, but the House having otherwise decided, he could not think a system of exemptions either just or politic. It was impossible in practice to draw nice distinctions without creating grievances greater than those which it was sought to remedy. If the Income-tax were unequal in its pressure, if not extended with searching severity to all, the House would become involved in an interminable labyrinth of inconsistencies. Hon. Members might oppose the principle of the measure, but to the details of that which was submitted by her Majesty's Government, he did not see any well founded objection.

The committee divided on the question that words proposed by Mr. Ricardo be added:—Ayes 117; Noes 253:—Majority 136.

List of the Ayes.

Aldam, W.
Armstrong, Sir A.
Attwood, M.
Baring, rt. hn. F. T.
Bell, J.
Berkeley, hon. Capt.
Bernal, R.
Bernal, Capt.
Blewitt, R. J.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Christie, W. D.
Clements, Visct.
Cobden, R.
Colborne, hn. W.N.R.
Colbrooke, Sir T. E.
Collins, W.
Craig, W. G.
Crawford, W. S.
Dalrymple, Capt.
Dashwood, G. H.
Dennistoun, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, Admiral
Dundas, F.
Ellice, rt. hn. E.
Evans, W.
Forster, M.
Fox, C. R.
Gibson, T. M.
Gill, T.
Granger, T. C.
Guest, Sir J.
Hall, Sir B.
Harris, J. Q.
Hastie, A.
Hawes, B.
Hay, Sir A. L.
Heathcote, J.
Heneage, E.
Hill, Lord M.
Hobhouse, rt.hn. Sir J.
Howard, hn. C. W. G.
Howick, Visct.
Hume, J.
Hutt, W.
James, W.
Jardine, W.
Jervis, J.
Leader, J. T.
Listowel, Earl of
M'Taggart, Sir J.
Marjoribanks, S.
Martin, J.
Maule, rt. hn. F.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Morrison, General
Mostyn, hn. E. M. L.
Murphy, F. S.
Murray, A.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, J.
O'Brien, W. S.
O'Connell, M. J.
O'Connell, J.
Ogle, S. C. H.
Parker, J.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Ponsonby, hon. C. F. A. C.
Power, J.
Rice, E. R.
Roche, E. B.
Roebuck, J. A.
Rundle, J.
Rutherfurd, A.
Scholefield, J.
Seymour, Lord
Sheil, rt. hn. R. L.
Smith, B.
Somerville, Sir W. M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord J.
Strutt, E.
Tancred, H. W.
Thornely, T.
Tollemache, hn. F. J.
Towneley, J.
Tufnell, H.
Turner, E.
Villiers, hon. C.
Vivian, hon. Major
Vivian, hon. Capt.
Walker, R.
Wallace, R.
Ward, H. G.
Watson, W. H.
Wawn, J. T.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Yorke, H. R.

TELLERS.

Ricardo, J. L.
Smith V.

List of the Noes.

A'Court, Captain
Ackkers, J.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Ainsworth, P.
Alford, Visct.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, Capt.
Arkwright, G.
Astell, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baird, W.
Baldwin, B.
Balfour, J. M.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, Sir R.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Beresford, Capt.
Beresford, Major
Bernard, Visct.
Blackburne, J.
Blake, M. J.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Bruen, Col.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, Sir H.
Campbell, A.
Cardwell, E.
Carnegie, hon. Capt.
Chapman, A.
Chelsea, Visct.
Chetwode, Sir J.
Christmas, W.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clements, H. J.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Codrington, C. W.
Collett, W. R.
Colvile, C. R.
Conolly, Col.
Corry, rt. hn. H.
Courtenay, Visct.
Cripps, W.
Darby, G.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.

Douro, Marquess of
Drummond, H. H.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. A.
East, J. B.
Eaton, R. J.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Ferguson, Sir R. A.
Feilden, W.
Filmer, Sir E.
Fitzroy, Capt.
Fitzroy, hon. H.
Forbes, W.
Forester, hon. G.C.W.
Fuller, A. E.
Gladstone, rt.hn.W.E.
Gaskell, J. Milnes
Gordon, hon. Capt.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'Ct
Hope, hon. C.
Hornby, J.
Howard, hn. E. G. G.
Howard, P. H.
Ingestre, Visct.
Inglis, Sir R. H.
Irton, S.
Jackson, J. D.
James, Sir W. C.
Jermyn, Earl
Johnson, W. G.
Johnstone, H.
Joliffe, Sir W. G.
Jones, Capt.
Kelburne, Visct.
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Knatchbull, rt. hn. Sir E.
Knight, H.
Lascelles, hon. W. S.
Law, hon. C. E.
Lawson, A.
Legh, G. C.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lowther, hon. Col.
Lyall, G.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
M'Geachy, F. A.
Mainwaring, T.
Marsham, Visct.
Martyn, C. W.
Martyn, C. C.
Marton, G.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Murray, C. R. S.
Neeld, J.
Neville, R.
Newry, Visct.
Nicholl, rt. hn. J.
Norreys, Lord
O'Brien, A. S.
Packe, C. W.
Paget, Lord W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Planta, rt. hn. J.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Powell, Col.
Praed, W. T.
Pringle, A.
Pusey, P.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Round, J.
Rushbrooke, Col.
Ryder, hon. G. D.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Seymour, Sir H. B.
Sheppard, T.
Shirley, E. J.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smollett, A.
Somerset, Lord G.
Somerton, Visct.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Talbot, C. R. M.
Tennent, J. E.
Thesiger, F.
Thompson, Mr. Ald.
Tomline, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Turnor, C.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Vivian, J. E.
Walsh, Sir J. B.
Welby, G. E.
Wilbraham, hon. R.B.
Williams, T. P.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C.
Wynn, rt. hn. C.W.W.
Yorke, hon. E. T.
Young, J.

TELLERS.
Baring, H. B.
Fremantle, Sir F. T.

House resumed. The Chairman reported progress. Committee to sit again.

House adjourned.

HOUSE OF LORDS,

Tuesday, April 26, 1842.

Minutes.] Bills. *Private.*—1^{a}· Tulloch's Estate (Davidson's); Bolton and Preston Railway; Bolton and West Haughton Road.

2^{a}· Elegg's Divorce; Castlerigg and Derwentwater Inclosure.

Reported.—St. Austell Market; Birmingham and Liverpool Junction Canal.

Petitions Presented. By the Duke of Buccleugh, from the Agricultural Society of Nithsdale, in the county of Dumfries, for Protection to the Agricultural Interest.—By the Marquess of Downshire, from Donaghadee, Antrim, Donadea, Seapatrick, and other places, in favour of Church Education in Ireland.—By a noble Lord, from the Beverley Mechanics Institute, praying for Exemption of Taxation on such Institutions.

HOUSE OF COMMONS,

Tuesday, April 26, 1842.

Minutes.] Bills. *Public.*—1^{o}· Parish Constables; Exchequer Bills; Pentonville Prison; Law of Merchants Act Amendment; Ecclesiastical Residences; Incumbents Leasing; Ecclesiastical Corporations Leasing.

Reported.—Soap Duties Drawback.

3^{o}· and passed:—Copyright.

Private.—1^{o}· Imperial Insurance Company; Fierville's Naturalization.

2^{o}· South Metropolitan Gas.

Reported.—London and Blackwall Railway; Buckland Inclosure; Huish Champflower Inclosure; Sheffield, Ashton-under-Lyne, and Manchester Railway; Saundersfoot Railway.

3^{o}· and passed:—Bolton and Westhaughton Road; Bolton and Preston Railway.

Petitions Presented. From St. Martin's-in-the-Fields, for an Equal Imposition of Probate and Legacy Duties on Property of every description.

Southwark Improvement (No. 2) Bill.] Mr. R. Palmer moved the resumption of the adjourned debate on the clause of the Southwark Improvement Bill which he had proposed on Tuesday last. Question again put that the clause be read a second time.

Mr. *Lambton* having presented an important petition from many church leaseholders in the county of Durham, praying the Legislature not to sanction any compulsory sale of church leasehold property without a clause to ensure compensation to the church lessees for their right of renewal, must contend that this was the most proper and fitting time to discuss the important principle involved in this bill; for this bill was the first attempt in the new Parliament to upset—to reverse the most important decisions that took place in the last Parliament, with regard to the principle of compensation to church lessees, for their right of renewal; and it was clear that if this bill passed without such a clause as was now asked, it would be used as a dangerous precedent for future violations of the principle in future legislation; and it would be seen how very important this subject was, and how very large the amount of property was, that might be affected, when he reminded the House that the average annual rental of the church leases was 1,323,000*l.*, and that not only thousands but hundreds of thousands were laid out expressly on the faith of this renewal. He particularly called upon all those Members of the new Parliament who were not in the last, to observe what were the decisions of the last Parliament on the subject. On the Irish Temporalities Bill—it was argued in the debate on the great church-rate proposition of the late Government, when the Chancellor of the Exchequer admitted the principle; and it was ably and admirably argued by the present Solicitor-general and the hon. and learned Member for Ripon—it was minutely enquired into by the church-lease committee, when able witnesses were examined from all parts of the country—and one of them was so important as to induce him to read one of his answers. Mr. Hodgson, Receiver-general to the Archbishop of Canterbury, and Auditor to the Bishop of London, was asked this question —:

> "You have found, in your own experience that the amount of the purchase money is a great excess above the value of the lease, computed as an annuity?"

Answer;—

> "I should say, that the church property I have sold, I sold with some increase of value, by there being considered a sort of tacit consent allowed by the lawyers and the public—what is termed the tenants' right of renewal; I find it even spoken of in the law books."

The hon. Member then quoted from Woodfall's Landlord and Tenant, and from Butler's Notes on Coke upon Littleton, to show the very important light in which the highest authorities of law-books regarded this subject. This principle was again discussed in the Farnham Rectory case, when the noble Lord, the present Secretary for the Colonies, ably advocated the principle; and lastly, this very Southwark Improvement Bill, with the very clause of compensation, passed this House, but was not discussed by the Lords on account of the dissolution of Parliament. He did not pretend to argue the question as a lawyer; but he did pretend to take a common sense view, and a common justice view of the question—and what was it? Why, here were parties coming to this House to ask for a compulsory sale of church leasehold property. The church lessees say—" If you take our property, give us the fair marketable value of our property: this right of renewal has a distinc marketable value: and therefore we ask for it." And it surely would be a manifest gross injustice to refuse them this demand. They cannot get it by a common compensation clause: it had been tried before: it was tried in the case of the Liverpool and Manchester Railway Company in 1837. There was no difference of opinion among the judges as to the marketable value of the right of renewal; but as it was not what is called a strict legal interest, and as the clause of the act of Parliament was not sufficiently comprehensive, the judges could not decide in favour of the church lessee; but Mr. Justice Littledale said,—

> "There are no words in this act sufficiently comprehensive to include an interest of this description: there were such in the Hungerford Market Act."

Now the case of this Hungerford Market was an important illustration for what the House was now discussing. The claimant insisted on his compensation for the "right of good-will"—all the judges gave it in his favour, because the clause of the Act of Parliament was sufficiently comprehensive to allow them to do so, it is remarkable to see how evidently anxious the judges were to do justice to this peculiar kind of interest, when the act of Parliament allowed them. The right of good will is a similar kind of interest to the right of renewal—a practical interest, but not a strictly legal interest; but the right of renewal rests on much stronger grounds; because it rests on the uniform practice of three centuries, and is upheld by different acts of Parliament. Upon the Hungerford Market case, Mr. Justice Littledale says,—

> "It is perhaps strictly true there may be no interest in a good-will; but we know that there is practically such an interest, which is usually a subject of sale; that interest the Legislature seems to have contemplated in this section."

All the judges agreed. It is clearly the duty of the Legislature to contemplate and guard with the greatest carefulness, all such peculiar interests as these. It is the peculiar province of the House to see that in these private acts no injustice is done to any one. Lord Eldon had expressed a remarkable opinion on this point: and doubtless Lord Cottenham and Lord Lyndhurst would agree with it. It was in some case, in 1824, when some individual went before him on account of an injustice done to him by a private act. Lord Eldon thus speaks of private acts of Parliament:—

> "When I look upon these acts of Parliament, I regard them all in the light of contracts made by the Legislature, on behalf of every person interested in any thing to be done under them; and I have no hesitation in asserting, that unless that principle is applied in construing statutes of this description, they become instruments, of greater oppression than anything in the whole system of administration under our constitution."

Apply this to the case before the House. The Legislature is called upon to make this contract, so that the church lessees shall have the same marketable value for their property that they would have had if the proposed act had not passed. The hon. Member, after calling upon the House to support the principle, observed that he should propose to alter a good deal of the wording of the clause of the hon. Member for Berkshire.

The *Speaker* informed the hon. Member that he could not then propose his amendment.

Captain *Fitzroy* said, it was undoubtedly the anxious intention of the committee to do the fullest justice to the lessees. The jury clause, he conceived, proved this. That clause set forth—

> "That if any dispute shall arise as to the value of such houses with the commissioners, or if any dispute shall arise with the said commissioners, as to the value of any interest therein, the same shall be decided by a jury summoned for that purpose."

Now, when those cases were brought before a jury of honest men, was it not a sufficient warrant, that they would take into full consideration the probability of the renewal of those leases, and that they would award proportionate compensation? Much had been said about marketable value, and the words were introduced in the proposed amendment of the hon. Member for Durham (Mr. Lambton). But were there not two marketable values? Might not the property be taken into the market with a distinct understanding, that a renewal of the leases would be granted—or might it not be brought into the market with a distinct notification, that the Bishop refused to renew the leases? And he should like to know whether in the latter case, the marketable value would not be very different from the marketable value in the former, although, according to the amendment, the marketable value was to be set down at the same amount as if this bill had not passed. He should oppose the clause, as he deemed it unnecessary.

Mr. *Thesiger* said, as the hon. and gallant Member who had just sat down, had declared, that it was the anxious intention of the committee to give to the lessees every fair and just advantage which they could claim, he could not see why the hon. and gallant Member should object to the clause of the hon. Member for Berkshire, which only went to carry out the principle of due compensation. It was said, that this bill was intended to effect a great public improvement. Now, as the bill stood, it appeared to him, that it was calculated to work much injustice, and, in his opinion, if a measure having public improvement for its object, could not be carried into effect, without inflicting injustice on individuals, it would be better to abandon it.

Lord *G. Somerset* said, he should prefer the clause as it was proposed to be amended by the hon. Member for North Durham (Mr. Lambton), and he, therefore, wished to have the opinion of the

Speaker whether it could be substituted for that before the House.

The *Speaker* said, that notice should have been given by the hon. Member for North Durham of his intention to propose the clause. It was impossible to receive the clause now, but if the House should assent to the second reading of the one before them, it would be possible to amend it in such a manner, as to make it like that proposed by the hon. Member for North Durham; or further proceedings on the present clause might be adjourned, and another brought forward after proper notice.

Sir *R. Inglis* said, he saw no reason for giving to the complaining parties in this case any greater right than the law at present gave them. If a wrong were committed, for such wrong the law provided a remedy. It could not be said, that in this country there was any wrong without a remedy. But those who supported the clause would not only leave to these parties the benefit of the operation of the existing law, but would grant to them a right which the law never intended or contemplated. He knew with what an invidious feeling church property was viewed by many eyes in that House. But, let him remind the right hon. and learned Gentleman, who had cheered when it was stated, that the Church received annually 1,300,000*l.* that much of that property was in the hands of lay lessees—that it did not, by any means, all go to the Church and the hierarchy—that gentlemen in blue coats, as well as in black coats were interested in it. He could not conceive why any additional power should be granted to those parties to profit, especially by that property. If they possessed a right, which the law conferred on them, why, let them use it; but he could see no reason why a special law should be made in their favour. In conclusion, he would observe, that it was contrary to all precedents, in cases of this nature, to take a private bill out of the hands of its promoters, for the purpose of introducing a clause of which they wholly disapproved.

Sir *T. Wilde* said, the hon. Baronet called on the House not to give to those parties a right that was not now in existence; and he had quoted a maxim which sounded very well, but which few practical lawyers would admit to be a correct one,—namely, that there was no wrong without a remedy. Now, the opponents of this bill demanded nothing of the kind; they did not require, that any new right should be given to these parties. All they said was, "Leave the possessors of these church leases as they are, and they ask for no further right." The question was not to give them a right they did not now possess; but the real question was, "Will you take from them their property at less than its full and just value?"—that value which the property was likely to command, when it was brought into the market in connection with a promise of renewal that was never refused. If the promoters of the bill were anxious to effect a great public improvement, why should those parties who were interested in this property be saddled with the expense of it? The lessees had no legal right against the Church; but the interest of the Church was at present their security; and that security would cease, if this bill were passed. He could not look at the claims of these parties in the light of compensation for an imaginary right. They demanded the price of an article; they demanded, that their property should not be taken away, without receiving the full value for it.

The *Solicitor-General* said, that he was not disposed to vote for the clause that had been printed and circulated with the votes, but he concurred in the substantial part of the clause of the hon. Member for Durham. He would suggest, that the hon. Member for Berkshire should withdraw the clause, and bring up an amended clause on the third reading of the bill.

Motion to read the clause a second time, withdrawn.

Clause withdrawn.—Further proceedings on the third reading of the bill postponed.

ELECTION COMMITTEES—WITNESSES.] Mr. *Divett* wished to consult the right hon. Baronet (Sir R. Peel) as to a question of the proper construction of the 71st clause of the Controverted Election Petitions Trial Act, before the committee on the Lichfield election, of which he was chairman. It had been found, that the attendance of certain persons as witnesses was required, those persons being at present prisoners in her Majesty's gaols of Newgate and the Fleet. They were stated to be important witnesses, and the question was, whether it was competent for the chairman under the section he had mentioned, to issue his summons for the attendance of those persons to give evidence before the committee. Some of the authorities about the House whom he had consulted, were clearly of opinion, that the chairman of an election committee had such power; while other persons of great authority thought that there was nothing in the act to enable a chairman to issue a summons in such a case, but they thought that the proper mode of proceeding was, that according to the ancient practice, the chairman should report to the House, and that the Speaker would then, by order of the House, issue his warrant to bring up the witnesses. Under these circumstances, he had thought it better to bring the matter under the consideration of the House, and he begged, therefore, to ask the right hon. Gentleman (Sir R. Peel) what was the proper construction of the 71st clause? In compliance with the forms of the House, he moved—

> "That Mr. Speaker do issue his warrant to the keeper of her Majesty's gaol of Newgate to bring up Thomas Grew, a prisoner in the said gaol, to-morrow, in order that he might attend and give evidence before the Lichfield Election Committee, and so from time to time, as often as his attendance may be wanted."

Sir *R. Peel* said, that he delivered an opinion on the point with the greatest diffidence, particularly as he had not had a moment to consider it in. However, he thought the hon. Gentleman had taken the best course, because the clause spoke of any person summoned by the said committee, or by the warrant of the Speaker. As it appeared to him, the summons of the chairman would hardly be a sufficient authority to the keeper of Newgate to bring up a prisoner to give evidence; it must be done, he thought, by the Speaker's warrant. The act did not appear to him to contemplate the case of a person being necessary as a witness who was already in custody. It appeared, however, that cases had formerly occurred where witnesses, who were in prison, were required to be brought up, and that it had been done by the Speaker's warrant. Having, as he had said, had no time to consider the question, he spoke with great diffidence, but he thought the hon. Gentleman had done right in the course he had taken of moving that the Speaker should issue his warrant.

Mr. *Roebuck* doubted, whether the parties could be brought up without a *habeas corpus.*

The *Solicitor-General* said, that the gaoler was in the habit of obeying the orders of that House conveyed through the Speaker; and, no doubt, if the summons were not obeyed, the House would treat the disobedience as a contempt.

Motion agreed to.

It was ordered on this, and on a similar case, on the motion of Mr. Divett, as follows:—

> "That the keeper of her Majesty's gaol of Newgate do bring Thomas Grew in safe custody to-morrow, to the select committee appointed by this House to try and determine the matter of the Lichfield Election Petition, in order to his being examined as a witness, and so from time to time as often as his attendance shall be thought necessary; and that Mr. Speaker do issue his warrant accordingly.
>
> "That the warden of the Fleet prison do bring Francis Sharratt in safe custody to-morrow, to the select committee appointed by this House to try and determine the matter of the Lichfield Election Petition, in order to his being examined as a witness, and so from time to time as often as his attendance shall be thought necessary; and that Mr. Speaker do issue his warrant accordingly."

SOUTHAMPTON ELECTION COMMITTEE —MR. FLEMING.] Mr. Redington appeared at the bar, and reported from the select committee appointed to try and determine the merits of the petitions, complaining of an undue election and return for the borough of Southampton,

> That John Fleming, Esq., a Member of this House, in the course of examination before the committee, had refused to answer a question put to him by counsel, on the ground that "it would be a betrayal of confidence, which would be improper and dishonourable on his part, and degrading to him as a gentleman, and that he could not conceive how his answer to the question could, in any way, affect this investigation;" and that the committee having decided, that the witness could not refuse to answer the question on the grounds which he had thus assigned, that the witness still persisted in his refusal.

Mr. *Redington,* as Chairman of the committee said, he had no doubt that the House would feel that, under the circumstances, the committee had done what the act required. With respect to the witness, to whose conduct they had thought it necessary to call the attention of the House, they could not deal with him as they had done with the witnesses to whose cases attention had yesterday been directed—they could not commit the hon. Member, whose name had been mentioned in the report which he had just presented; but it now became his duty to ask the House to interfere in the same manner that they had done with respect to other witnesses who were not Members of that House. He should move, that the hon. Member be required by the House to appear before the committee, and give the evidence required; previously, however, he should move, that Mr. Speaker do inquire of the hon. Member, whether he persisted in refusing to answer the questions which had been put to him by the committee. If the hon. Member should so persist in his refusal, then he intended to move that the same course be adopted respecting him that had been taken with regard to the witnesses yesterday.

Ordered—

That John Fleming, Esq., a Member of this House, be asked by Mr. Speaker, whether he persists in refusing to give evidence.

Mr. *Fleming*, in his place, stated, that as a man of honour and a gentleman, he continued to object to answer the question which had been put to him in the committee, and that the facts of the case were these:—Upon his return from Ireland, six weeks after the election, he was informed, that a considerable sum was due to the agent for legal expenses at the last Southampton election; that he thereupon stated the case to his friends, and collected a sum of money for what he considered the legal expenses of the election;—that he considers that the answer to the question cannot have any bearing upon the trial of the election petition; and that the question was only asked for the purpose of introducing honourable names before the public to peck at and comment upon.

The *Speaker* then suggested, that the hon. Member ought to withdraw.

Mr. *Fleming* begged to inquire if he might be allowed to offer any explanation of the course which, after the best consideration he could give the subject, he had resolved to pursue?

The *Speaker* said, that doubtless the House would be ready to hear any explanation which the hon. Member might desire to give.

Mr. *Fleming* begged to assure the House how very painful it was to his feelings that any action of his should be reported to them with a view to its being censured, but he wished in the first place to say, that in refusing to answer the questions put to him, he had not intended the slightest disrespect to the hon. Chairman, or to any Member of the committee. If he were guilty of the conduct imputed to him by the petitioners, he should be utterly unworthy of holding a seat in that House, and he must say, that he did not think his answering those questions would in the least degree, assist the committee in coming to a right conclusion, touching the matter on which they had to decide. He should now trouble the House with only a very few words. Immediately after the termination of the election for Southampton, he went with his family to Ireland, and there he remained till the assembling of Parliament. When he returned, he was told by several persons at Southampton, that a considerable portion of the expenses of the election yet remained unpaid, that they consisted merely of the legal expenses, the money due to agents, strictly legal expenses. He then wrote to some of his friends, and subscriptions were forwarded to him, which he paid in at the Bank to the account of the parties by whom the election was conducted. This occurred not before, but six weeks after the election—it could therefore serve no purpose of corruption, and he conceived that in the course he had taken, he had done nothing wrong. The communications which he received in reply to his letters were of a confidential nature—he could not with honour disclose them, and he confessed he did not see the use of disclosing them. It would almost seem, that the object was to gratify an impertinent curiosity, or perhaps to lay hold of some honourable names to peck at. Could he as a gentleman betray the confidence that had been reposed in him by private friends for no public object? As a man of honour and a gentleman, he should be unworthy to retain his seat in that House if he did so.

The hon. Member left the House.

Mr. *Redington* trusted that, as Chairman of the Southampton Election Committee, every hon. Member would do him the justice to believe that he acted upon this occasion only in discharge of his duty. The committee were perfectly willing to respect those feelings which every gentleman must have with regard to confidential communications made to him; but still when called upon to do their duty as judges, and to decide as to the legality or illegality of the course pursued by a witness, they must not let personal feelings interfere with the proper execution of their public duty. He could not, of course, go into the matter which arose before that committee, but he might state that a question was put by counsel to the hon. Member. The hon. Member refused to answer that question. That was in the report before the House. The usual course was for the committee to deliberate amongst themselves as to whether the witness had a right to refuse to answer the question; and after deliberation the committee decided unanimously that the hon. Member ought to answer the question. On the part of the committee, then, he would now only turn to the House and ask them, since they had said on the previous evening that select committees appointed to try election petitions were the sole judges as to whether or not parties under examination should answer the questions put to them, to say the same now. But as the individual who appeared at the Bar of the House on Monday evening was not a Member of the House, as in the present case, it would be necessary to make one alteration; he could not move that the hon. Member for Southampton be called to the bar of the House, but that he remain in his place,

> "And be informed that the legal tribunal to decide upon his obligation to answer questions is the select committee appointed under an act of Parliament to try the matter of the petition; and that Mr. Speaker do also inform him, that any objection he has to urge must be submitted to the committee, and determined by them."

Dr. Bowring seconded the motion.

The *Speaker* having put the question,

The *Attorney General* rose and said, there could be no doubt that whatever might be the private feelings of any Gentleman with regard to the obligations of honour and confidence upon his conduct in private life, all those considerations must vanish before the demands of justice, for the support of which, his evidence might be called. That had been so abundantly set forth in a variety of cases that it was hardly necessary for him to cite any case in particular; but he might be excused for mentioning a single one amongst the most remarkable—one indeed which was rather an historical than a legal case—that of Lord Barrington, who being called upon during the proceedings before the House of Lords against the Duchess of Kingston, to state whether he had not heard from her in the course of conversation that she had been married to Captain Harvey, refused to make any answer, upon the ground that by so doing he should violate that honourable confidence which was held sacred in the intercourse of private society. The House of Lords adjourned, the judges were consulted, and the decision was, that the witness must answer the question; and Lord Barrington then gave the best answer he could in relation to a conversation which had taken twenty years before. There could be no doubt that the committee had the right to put the question to the hon. Member if they thought it material, and in that case the hon. Member was bound to answer it. The hon. Member having objected to give an answer, he thought the committee was quite right in referring the matter to the House, instead of in the first instance exercising any other power which might be vested in them as a judicial tribunal. If, however, he were asked the question, he must say, that any hon. Member attending as a witness before an election committee was in the same position as a witness in a court of justice, and was liable to like penalties for refusing to give evidence. But while it was the province of the committee to commit a witness refusing to answer a question into the custody of the Sergeant-at-Arms, it was also their province, if they pleased, to remit that, and instead of taking that course, to make a report to the House, through their Chairman, of any person who should refuse to give evidence, and to leave the case for the interposition of the House. He was disposed to think, therefore, that the committee had exercised a discretion in the case consistent with the respect which was due to the House by abstaining in the first instance from committing the hon. Member for Hants into the custody of the Sergeant-at-Arms, and when the hon. Member perceived what was the opinion of the House, and what he (the Attorney-general) was certain must be the opinion of every hon. and learned Gentleman connected with the legal profession, that he was under a legal obligation to answer the question which had been put to him, and that no sentiment of honour such as that upon which he relied was sufficient to exonerate him from the social duty which he owed to the community—he trusted that the hon. Gentleman would take a different view of the position in which he stood, and that he would conform himself to the decision of the committee: for after all, it would be for the committee to decide what course the hon. Gentleman should take in respect to the question which had been put to him by the counsel. Where a witness was under examination in a court of justice, and a question was put to him which he declined to answer, he had repeatedly known an inquiry take place as to whether that particular question was pertinent to the subject matter of the inquiry or not, and the court, having decided that point, would direct the witness accordingly. And in the present case it was not because a particular question was asked by the counsel that the committee were bound to enforce it. It was for the committee to say, whether the question was relevant or not, and he would recommend the hon. Gentleman and the House to place implicit confidence in their decision. If the committee had not vested in them that power which the law gave them, he was quite sure that the House would repose full confidence in their discretion. He was sure the committee would do their duty; but he thought it was quite right to intimate to them that it by no means followed that because any particular question was put to a witness by the counsel in the case, and was pressed by him, that therefore an answer ought to be enforced. If the committee felt that the object of the question was not the furtherance of justice, but to obtain some disclosure that might be painful to the party under examination, they would not call upon the hon. Gentleman to answer. He, however, had a perfect reliance that they would exercise their discretion properly, and with a due regard to the justice of the case and the feelings of the party.

Mr. *Roebuck* said, that humble as he was, he supposed he might say that he agreed with the law laid down by the hon. and learned Gentleman. But he wanted to know—because he recollected the position in which they were—why they were made a court of appeal. Was it not so? Why, then, were they appealed to? He would not be asked to act as a judge as a matter of courtesy. Before he acted as a judge he must have evidence; and he wished to know whether a witness before a committee of the House of Commons was to be placed in a situation in which he could not be placed before any other tribunal? If he were before the Court of Queen's Bench, and a man were to ask him if he had committed a murder, and if he were guilty, he should say, that he did not intend to criminate himself, and therefore he would not answer the question, the Court would say that it was an improper question to put, because it tended to criminate the witness, and therefore it must not be put. Now, he did not know that in the present case there was a danger of crimination, nor did he put the question in an invidious form as touching the hon. Member, for he was rather with him than against him; but he put it in this extraordinary way to carry out the principle he wished to enforce on the attention of the House. Was a witness to be asked a question, and forced to answer it upon pain of imprisonment, which would tend to criminate himself? He knew that a bill had been brought into Parliament to meet this difficulty, but it was thrown out by the House of Lords. He did not want to mix up this question with party politics. He cared not about what party was concerned in this case, though he was glad that it was an hon. Member on the other side. ["Hear" from Mr. *Leader*.] He wished the hon. Member would not interrupt him. He wished to discuss the question upon purely legal grounds. He wished to know from the law officers of the Crown, and those Gentlemen who were connected with that honourable profession on both sides of the House, whether any one of them, would be bold enough to say that it was the law of England, acknowledged by the judges, and expounded by them, who had hitherto been above all imputation—that a man coming before any tribunal in this kingdom was bound to answer any question which might tend to criminate himself? ["No, no."] The learned Attorney-General said "no." Now then came the question,—how was that House to determine that any hon. Gentleman, or any private citizen, must be compelled to answer a question unless they knew whether it would criminate himself? They could not know it until they knew what the question was. Therefore he, for one, would protest against being called upon to decide upon any matter of which he knew nothing. He would not vote blindly upon any question whatever. He therefore wanted to know what the question was.

Mr. *O'Connell* said the hon. and learned Gentleman had argued the question very emphatically, but without the least application to the facts of the case. The hon. Member for South Hampshire had not said that he entertained any apprehension that his answer to the question would criminate him; on the contrary, he said directly the reverse, and he made a merit of it, instead of considering it an error. Therefore the House must not be led away by the supposition that the object of the committee was to compel a man to answer a question which would tend to criminate him. The person who should judge in such a case was the witness himself; he alone must know whether his conduct was *bonâ fide* or not. Suppose that this were an action in the Court of Queen's Bench, and that the hon. Gentleman were produced as a witness and said, not that he would criminate himself by answering the question put to him, but that from motives of Gentlemanly honour, and of the purest and most delicate nature, he declined, being unwilling to violate private confidence—would the Court of Queen's Bench hesitate one moment? Would any lawyer say, that the Court of Queen's Bench would not at once reply, "We are very sorry to trespass upon your feelings, but the reason is insufficient for not giving the answer?" As to the case of Lord Barrington, that was one of a private conversation with a lady. It was, therefore, one of extreme delicacy. But even the objection of Lord Barrington was overruled. And did not the House know that medical gentlemen, the first in their profession, whom no bribe of property, however large, or personal advantages, however tempting, could compel to disclose facts confided to them, had been forced, notwithstanding their honourable reluctance, to reveal all they knew, and to violate the confidence reposed in them in the course of their professional engagements? When a man was sworn to give evidence, he was sworn to speak the whole truth respecting every thing concerning which the law inquired of him, as far as he possessed any knowledge of the facts. With great respect, therefore, for the hon. Member for South Hampshire, he must tell him that he was really violating his oath in refusing to give an answer to the question. He had not the honour of being acquainted with the hon. Member, but he believed him to be, it was manifest from his manner, as incapable as any other human being of wilfully violating his oath; but still he was doing it in the face of the tribunal which had decided that the question ought to be put. Of course the committee would reconsider the question, and not enforce an answer if they felt that any gentlemanly confidence would be violated, unless the answer was necessary to deal with the merits of the case. He respectfully submitted to the hon. and learned Member for Bath that he had raised a question which was not then in discussion; indeed, there was no question at all to discuss, but whether or not the motion of the hon. Chairman of the committee should be agreed to.

Sir *R. Inglis* said, he had risen at the same time with the hon. and learned Member for Bath to object to the sweeping position laid down by the learned Attorney-general that a witness was bound to answer every question put to him. Every question should be qualified, certainly, by the relevancy of the question, by the consideration of its affecting the individual witness himself, by that which every student at law must know—the confidence that must be maintained between a professional agent and his client, and lastly, by the relation of the question to the matter in issue. He, for one, greatly regretted the introduction of such questions as this into the House; but now they were called upon to consider, not whether the question was pertinent or not, but whether the witness did or did not refuse to answer the question. What they decided on the previous day, and what they must decide on that day, was not as to the relevancy of the question, nor whether the question should be put or not, but whether or not the committee was the only tribunal which should decide both those points. He objected to that House making decisions upon questions before the appointed election tribunals; and he much regretted that appeals were made from election committees to that House. All that he understood to have been done on Monday was, that the witness was not directed to answer any particular question, but to go back and submit himself to the authority of the committee; and he thought that all that would be now required of the hon. Member for South Hampshire was, that when he returned to the committee, whether the question were relevant or not, he would urge his objection to it, and by the decision of that committee the hon. Gentleman and that House must be bound.

Mr. *Forbes* wished to know what the

committee would enforce in case the hon. Member persisted in his refusal to answer the question.

Question agreed to and an order made in the words of Mr. Redington's motion.

Mr. Fleming immediately attended, and stood up in his place.

The *Speaker* addressing him said, I feel that I shall best discharge my duty on this occasion by reading to you the resolution which the House has just agreed to:—

> "That John Fleming, Esq., be desired to attend in his place forthwith, and informed that the legal tribunal to decide upon his obligation to answer questions is the select committee appointed under an act of Parliament to try the matter of the petition; and that Mr. Speaker do also inform him that any objection he has to urge must be submitted to the committee, and determined by them."

The hon. Member bowed and resumed his seat.

IPSWICH ELECTION — MR. LUCAS.] On the motion of Mr. Pakington, Elizabeth Anne Cullen was ordered to appear at the bar to give evidence with reference to the state of mind of Obadiah Lucas, who had been committed by the Ipswich election committee to her Majesty's gaol of Newgate.

In answer to a question put to her by the Speaker, she stated that she was sister to Obadiah Lucas, and that in consequence of a friend of his having committed suicide his mind had been in a very excited state, so much so, that it was not thought prudent to leave him by himself. She represented that his mind had never recovered from the mental shock which it had received. His memory was also much impaired.

Mr. Macmurdo, the surgeon of Newgate gaol, was also called to the bar. He said that Obadiah Lucas's mind had been in a very excited state, and that his powers of memory were much affected.

Witnesses withdrew.

Mr. Pakington moved, that Obadiah Lucas be discharged.

Motion agreeed to, Mr. Lucas ordered to be discharged.

TEXAS.] Mr. *O'Connell* wished to ask a question of the right hon. Baronet. He wished to know whether the treaties between England and the Government of Texas had been formally ratified?

Sir *R. Peel* in reply, said that there were three treaties with respect to which this country and the Government of Texas were concerned. The first was of a commercial character; the second had relation to the abolition of slavery; and the third referred to a guarantee for the payment of a loan from Texas to the Mexican Government under the mediation of this country. These treaties, were to be ratified simultaneously. The day fixed for the ratification was the first of August. The commercial treaty had been signed by the proper authorities. He had every reason to believe, that the senate of Texas had consented to the abolition of the slave-trade. The treaty, with reference to the guarantee, had been signed, and this country was prepared to ratify it. The day fixed for the ratification was the first of August.

Mr. *O'Connell*, are the papers relating to this subject ready to be laid upon the Table of the House.

Sir *R. Peel:* No.

Mr. *O'Connell* said, that the other question which he wished to put to the right hon. Baronet related to the conduct of the British Minister at Mexico. It appeared by certain documents that a proposal had been made to the Mexican Government by General Hamilton to pay a certain sum of money if Mexico would recognize the independence of Texas. There was also another sum offered by way of bribe to General Santa Anna, now at the head of the Mexican republic. This was stated to have taken place through the instrumentality of the British Minister at Mexico, through whom it was alleged, the offer was sent. He wished to ask the right hon. Baronet whether he had received any information from Mexico in corroboration of these facts, which he knew to be true, which would tend to exonerate the British Minister from the charge of having participated in the transaction.

Sir *R. Peel* wished it to be understood as a general rule that notice should be given of an intention to put a question relating to a matter of such importance as the personal conduct of a British Minister, especially when placed at so great a distance, in order that he might be enabled to answer it with accuracy, and correct any erroneous information which might have gone abroad on the subject. It so happened, however, in the present instance he recollected having read, within the last three or four days, a despatch from the British Minister at Mexico, which gave an account of the transaction. The Minister declared, that he was requested by a party, whom he need not name, to deliver a communication to the Mexican authorities, having every reason to believe that the letter related to a different subject. The letter, he believed, was written in England. He was perfectly unaware of the contents of the letter, and as soon as he was made acquainted with the nature of its contents, he wrote immediately to the Secretary for Foreign Affairs, expressing his regret that he should unfortunately have been made the instrument of making such a proposition. He could assure the right hon. and learned Gentleman that the British Minister was as far from all participation in the matter as he was. He was not merely ignorant of the contents of the letter, but was actually led to suppose that they related to something else.

Here the conversation dropped.

APPLOTMENT COMMISSIONERS (IRELAND).] Mr. *F. French* begged to be allowed to put a question to the right hon. the Chancellor of the Exchequer. Under the 1st and 2nd Victoria, cap. 101, a power was given to the Lord-Lieutenant of Ireland to appoint gentlemen to applot parishes which were not under the Tithe Commutation Act. A number of gentlemen had been appointed, and they had performed their work to the satisfaction of all parties. They had also obtained certificates to that effect, but they had as yet been unable to get the money due to them. He wished to know when the money would be forthcoming.

The *Chancellor of the Exchequer* was aware, that the gentlemen's certificates had been sent in, but as no fund was provided from which they were to be paid, he had written over to Ireland in order to know how many had been employed, and the sum it would be necessary for him to ask of the House. No time would be lost on his part in settling the claims as soon as he received the information.

CATHOLIC SOLDIERS IN INDIA.] Mr. *O'Connell* said, he rose to call the attention of the House to a subject of great importance. He begged to assure the House that he brought the question forward with the greatest reluctance, not being willing to trouble the House upon such a matter if he could have avoided it. He had received communications upon the subject from various quarters—some of which came from humble but much interested individuals, such as private and non-commissioned officers serving in India. He had also received communications from persons in a higher rank and station in society to the same effect. His motion related to Catholic soldiers serving in India and the East generally, and their religious instruction. He did not include in his motion anything that related to the state of the army in other parts of the British dominions. There was a sum of 11,000*l.* allocated to the purposes of religious instruction in the British army, but no part of that sum it appeared was laid out in India; it was entirely confined to other parts of the British empire; 700*l.* he believed was the only sum allowed for religious instruction in the East. His present motion related to the soldiers in India and China, where months and years were passing over them without ever receiving any instructions from their clergy, which instruction was much more urgently demanded at a period when that army was actively engaged. With respect to the army in China, he had received a communication from a gentleman who was situated in that quarter, and whose name was the hon. Capt. Jerningham, an officer who had been serving there with much distinction. This gentleman stated, that the situation and sufferings of the Catholic soldiers there, were not to be disregarded, as they were willing to go as readily into danger as their comrades, and were as anxious to share the same perils and were exposed to the same effects of the climate as the most gallant amongst the army, and they fought in the field with the same undaunted valour. Many of these soldiers however perished more from disease than any thing else, and this gentleman, the hon. Capt. Jerningham, was ready to give to the House an account of the great privations and sufferings which had been undergone by this class of soldiers from the causes he had already alluded to. The Protestant Soldiers were treated with the greatest humanity, not only with regard to their temporal wants, but everything was done to alleviate the miseries of their situation. All he had to regret was, that the Catholic soldiers were wholly deprived of the benefit of similar assistance to that which the Protestant soldiers possessed. It was a case of the most complete religious destitution, and he was totally misinformed of the fact if it was not true that no Catholic clergyman attended these troops to China; and, with the exception of Macao, where one or two missionaries might be met with, the Catholic soldiers were altogether deprived of the consolations of their religion. Every person who knew the nature of the Roman Catholic religion—of that religion which he professed—must be aware that the necessity for the assistance of a clergyman of that faith was much more important to a Roman Catholic than to a person of any other religion. The administration of the sacraments was solely confided to them, which sacraments afforded the Roman Catholics the greatest consolation and mental relief. He was quite warranted in saying that as far as the troops in China were concerned, they were totally destitute of that which he supposed every hon. Member in that House believed must be of the utmost importance. In India, also, the troops were scattered in such a remote degree from each other that they could hardly receive the assistance of a single Catholic clergyman. He had received a letter from a Catholic clergyman, dated the 19th February, 1842, an extract from which he was now induced to quote. [The right hon. Gentleman read an extract from this letter, which stated that, to the honour of the poor soldiers at Cabool, the great majority of whom were Roman Catholics, they, though perishing by hunger as well as by their wounds, never for one moment abandoned Captain Sturt (the son-in-law of General Sale) while he was living, but remained with their unfortunate officer until the very last of them was sacrificed. Not one of them escaped. The writer then lamented the religious destitution to which these Catholic soldiers were reduced, which added considerably to the misery with which they were surrounded.] He had experienced considerable disappointment upon this subject. The late Government had given him a pledge that something should be done to remedy the evil of which he complained, but nothing, he was sorry to say, had ever been done. It was very well known that an interview had taken place between several Roman Catholic gentlemen and Mr. Grant (afterwards Lord Glenelg) and Mr. Gordon, the Secretary to the Treasury; and it was understood from this interview that money would have been advanced to meet the circumstances of the case. That pledge he had urged upon the late Government, and he was promised that something should be done. He was, however, sorry to say that nothing had ever been done in the matter, and the evil remained the same. When he had asked the right hon. Baronet opposite whether any thing was in contemplation by the present Government to remedy this defect, the right hon. Gentleman was pleased to refer him to a document which had been laid on the Table by Lord Ashley, in the month of March, 1839. He felt that he had a right to facilitate very much the increase of the army in India, if some redress in this respect was likely to be afforded. With respect to the document alluded to, he was led to believe that there was nothing at all consolotary in the real state of things as described in this document. He found from this document, that in Madras there were nineteen Protestant and Presbyterian stations, and only in twelve stations had the Roman Catholics any opportunity of receiving religious instruction. The Protestant stations were supported by a sum of 22,010*l.* a year, and the Presbyterian by a sum of 2,080*l.* But for the Roman Catholics the whole sum afforded to dispense religious instruction was 770*l.* There was then something approaching to the sum of 1,200*l.* a year allowed for each of the Protestant clergymen, so that one Protestant clergyman received more than was paid for the entire support of the Roman Catholic clergymen. In Bombay there were twenty stations for Protestant clergymen, but only seven for Roman Catholics. The Protestant clergyman received a salary of 950*l.* a year, but only one Catholic clergyman received 200*l.* a year, and all the rest of the Catholic clergymen only 60*l.* a year. In Bengal the number of Protestant stations was twenty, and Roman Catholics only seven. The minimum salary of a Protestant clergyman was 900*l.* a year, and the entire of the Roman Catholic clergymen had only 60*l.* a year, with the exception of one who had a salary of 250*l.* a year. This state of the army in India was the subject of constant remonstrance by the different commanders who had served in that part of the world. The Marquess of Hastings in his despatches strongly recommended the consideration of this matter to the Government of that time, and every commander-in-chief down to Sir Henry Fane repeated from time to time the same recommendation. Sir Henry Fane at first refused to concur in any suggestion of this nature, and when requested by the people who were interested in the question to submit their claims to this assistance upon the British Government he peremptorily refused to do so. The regiment in whose behalf this favour was asked was that which so nobly distinguished itself in the capture of Ghuznee; and there was this singular fact connected with it, that, having been quartered for some years at Kurnaul, some persons suggested the propriety of raising a subscription for the building of a chapel. The privates and non-commissioned officers then subscribed a sum of 6,000 rupees, about 600*l.* to that purpose. With respect to the asylum for Catholic children at Bengal, there was a practice followed which was most afflicting to the religious feelings of a Catholic soldier—namely, being often compelled to send his children to those schools, where they were obliged to learn the Protestant catechism, and not allowed to read any Catholic books. In this particular many of the officers quartered there had behaved most harshly. There was one gallant officer, however, Lieut.-Colonel Bretton, who conducted himself on the contrary most humanely, and with a due respect to the conscientious opinions of the Roman Catholic soldiers. This gallant officer gave them every opportunity of having those persons the soldiers liked to teach them their own religion. Grievances of a most afflicting nature, and of such a character as he had described, the soldiers in the east were suffering under. In the immense territories of the East Indies it was almost impossible under the present system for a Catholic soldier to get any relief. There were some sixteen or eighteen stations in the Burmese Empire where the Protestant soldiers alone were attended to. Considering the immense tract of country in that quarter of the globe, and the great distance between the regiments, the religious assistance to the army partook more of the character of a mockery than any real relief from religious instruction. He perceived among the papers before the House repeated reports of commanding officers. There were General O'Halloran's reports, and General Sale's reports, all of which showed that where soldiers had clergymen of their own religious opinion to instruct them there was a marked difference in their character. They were celebrated for their sobriety, obedience, attention to their officers, and all those characteristics by which a good soldier should be marked. He was, therefore, strongly confident in the belief that it was but necessary to let those facts be known to have the remedy for the evils complained of applied. The papers talked of their being one half of the army Roman Catholics in the east; he would, however, only take it at one-fourth. A notion had gone abroad, that in the army the Irish soldiers were more apt than any others to be sent out to India. He presumed, that this was a great mistake, as he did not think that there was any such design on the part of the Government. At all events, it was true that a considerable portion of these soldiers were Roman Catholics, and he would ask, why should not those persons have every opportunity of meeting their clergymen? Whenever he thought there was a sufficient number of Roman Catholics in any of these regiments to want such assistance, a chaplain of the same religion should be appointed. He submitted, that a Christian community ought not anywhere to be left destitute of this means of spiritual relief, consolation, and religious instruction. He did not say, that the Protestant clergymen received a shilling too much for the instruction afforded by them to the soldier professing the Protestant religion; nor did he wish to diminish their stipends. All he wished was to remove the grievances of which he complained. It was not his intention to press the motion to a division, if he received an assurance from the Government that the subject would be taken into their serious consideration with a view of remedying the evils which now existed. He submitted, that he had made out a sufficient case for the inquiry, and he should therefore move the appointment of a select committee to consider and report upon the state of spiritual destitution of the Catholic soldiers serving in India and China.

Mr. *B. Baring* said, that so far from denying the claim of the Roman Catholic soldiers to have their material and spiritual comforts considered, he was of opinion they were entitled to as much consideration as the Protestant soldiers. The principle upon which the Government of India had acted was this. They had never, upon any occasion, that he was aware of, denied a salary to a Roman Catholic chaplain, appointed by a competent authority in that country; and moreover, with the view of encouraging the services of Europeans in that capacity, they had increased the pay of those chaplains. In the provinces of Penang and Malacca, the salary was 250*l.* a-year. In other parts, some of the salaries certainly did not exceed 60*l.* a-year; but the chaplains so paid were paid in consideration of the services which they rendered, and the number of persons to whose spiritual instruction they gave their superintendence. The right hon. and learned Gentleman had drawn a comparison between the amount paid to the Presbyterian church and the Roman Catholic church. This was not the time to enter into that question, inasmuch as it involved the expediency of a church establishment, and the complaint was not that the clergy of the church were overpaid, but that the Roman Catholic clergy were underpaid. When troops were spread over a large extent of country, it was extremely inconvenient to give them spiritual instruction; but the governor of India had uniformly acted on the principle which he had mentioned, and had, on all occasions, afforded all the spiritual instruction in his power. The governor of India had also subscribed towards the repairs of Roman Catholic chapels, and had facilitated the introduction of building materials, prayer-books, and other articles necessary for the performance of divine worship. The right hon. and learned Gentleman alluded to certain hardships experienced in the asylum at Bengal, and complained of the capricious interference of the commanding officers, and the attempts made to force the Roman Catholics to receive instruction in a form of worship, not in accordance with their religious principles. This matter was represented to the Governor-general, by whom it was referred to the commander-in-chief, and no time was lost by the latter authority in issuing such instructions as must render it impossible for such practices to be continued. He believed, that the appointment of the committee which had been moved for by the right hon. and learned Gentleman, would not have the effect of bringing any material information before the House, and he trusted, that the motion would not be pressed, as the system now in operation would remedy the evils of which the right hon. and learned Gentleman had complained.

Mr. *Hume* said, when he was in India, the ordinary troops were in cantonments in considerable numbers, and great attention was generally paid to them. At the present moment, when the troops were scattered about, as they must necessarily be in time of war, it was almost impossible to prevent the occurrences of which his right hon. and learned Friend had complained; and no one who had attended to the conduct of the Indian Government, and the care which it usually bestowed on the troops, could hesitate to say that any representations made by the Roman Catholics would be readily attended to, for their own interests would induce the Government in India to make those troops as comfortable as possible.

Sir *H. Hardinge* was glad that the right hon. and learned Gentleman had brought forward his motion in such a temperate tone, and there could be no doubt that his statements would receive the full consideration which they deserved. At the same time he was bound to say that some of the complaints made had arisen from accidental causes, and such occurrences would now and then take place when regiments were very much dispersed. He could state, on behalf of the Army generally, that in every regiment there was a desire on the part of the officers to pay every attention to the wishes of their Roman Catholic brethren. He would call the attention of the right hon. and learned Gentleman to what took place the year before last. Mr. Langdale brought forward a motion with respect to the conduct of the commissioners of the school at Chelsea. The commissioners,—one of whom was the Bishop of London,—afterwards met, and they decided that it was not proper, nor was it the intention of any of the parties to compel the children of Roman Catholic soldiers to be taught the church catechism; on the contrary, there was to be in that asylum the most perfect liberty of conscience, and the resolution passed by the commissioners was to this effect—that, subject to some minor restrictions, every child of a Roman Catholic soldier, or belonging to any sect of Protestant dissenters, should be exempted from the duty of learning the church catechism, and should be suffered, under the regulations of the asylum, to attend the public worship of the religious persuasion of such soldier, and every application for the relaxation of the rules in the case of such child should be made by the father, if living, or by the mother. The whole question was settled to the satisfaction of Mr. Langdale, a Roman Catholic Member of the House, and a most respectable gentleman; and he felt convinced that the same system, the same rules, and the same principle pervaded the whole of the army. This country received the benefit of the assistance of Roman Catholic soldiers, and he believed there was not an officer in the British service, who would not admit that their religious feelings ought to be respected in every possible way. The right hon. and learned Gentleman said that the Protestant soldier in China when labouring under disease had the opportunity of receiving that spiritual consolation of which the Roman Catholic soldier was deprived. Now he very much feared that the Protestant and Roman Catholic soldiers were both on the same footing in this respect. He feared that there were no longer chaplains in our regiments in China. Of late years it had not been the custom to send chaplains out with the army; and even in the Peninsular war in 1813 there were only ten to the whole army. Both at home and abroad the soldier was invited to attend religious worship according to his own creed either in church or chapel. And the principle laid down was, that the soldier, wherever it was practicable, should be accommodated in the parish church, and there receive his religious instruction; but where there was not sufficient accommodation a separate service was paid for, and a large portion of the 20,000*l.* to which the right hon. and learned Gentleman had referred was paid to the clergymen of the Established Church, as well as to the Members of the Roman Catholic religion, for separate services given to soldiers. Now in this state of things it appeared to him that it was better for the soldiers to receive instruction in the parish church or chapel, than to have a chaplain for every regiment. He did not see in what way the existing arrangements could be altered, nor did he see what would be gained by the appointment of a committee. He thought the return to the old system of having regimental chaplains, either for Protestants or Roman Catholics, would be full of inconvenience. The greatest cordiality and good fellowship at present existed in our regiments; but if two clergymen of different denominations or creeds should be appointed in the same regiment, he was confident the discipline of the British Army would materially suffer; and if such a system should be adopted on board our ships, it would not only be full of inconvenience, but would be dangerous to the efficiency of her Majesty's navy. He entirely concurred in all that had been said with respect to the merits of the Roman Catholic soldiers, who were entitled to every consideration on the part of the Indian Government, and he trusted, after what had been stated by his hon. Friend, who was connected with the Board of Control, that the motion would not be pressed to a division.

Sir *R. Inglis* said, that he would not interrupt the temperate tone of the debate by hazarding a harsh observation on the subject; he knew how much easier it was to conciliate a little peace by the abandonment of a principle; but he could not adopt that course, and he must, therefore, say that he had heard something from both sides of the House to which he could not assent. He therefore hoped that, in a tone of equal calmness, he might be permitted to state wherein he differed from the hon. and learned Member. The principle contended for by the hon. and learned Member would, if carried out, introduce into the army not only Roman Catholic chaplains, but by a parity of reasoning chaplains belonging to every sect of Dissenters, he felt it necessary, therefore, to object to the principle upon which the demand was made. He did not consider it necessary to enter further into those other conscientious objections to such a motion as the present, which it was well known that he entertained, as he would not willingly give offence to the hon. and learned Member. It was sufficient for him to state, that unless the House was prepared not only to maintain one established clergy, but also to maintain an Established Church in the shape of every variety of creed which any individual could possibly entertain, they could not in principle accede to the present motion.

Mr. *O'Connell* replied. He admitted, that he did not know that a better system could be adopted than that which prevailed in Europe, and most of our colonies; but

India was one of the exceptions. In that country, no religious instruction could be obtained from the localities. The troops were surrounded by the heathen. He could not conceive, that he should be violating Christian principles if he went the length which the hon. Baronet (Sir R. H. Inglis), thought so shocking,—namely, that when a considerable number of soldiers of any one persuasion entered a regiment, they should be enabled to attend divine worship without giving up their own religion. On the whole, he did not see that any good could arise from his dividing on the question. The replies of the right hon. Gentleman (Mr. Baring) and the hon. and gallant Officer were so consolatory as to warrant him in withdrawing his motion.

Motion withdrawn.

TAX ON THE DESCENT OF LANDED PROPERTY.] Mr. *Elphinstone* said, that in asking the House to take into their consideration the propriety of imposing the same amount of duties on succession to freehold and copyhold property as is now paid on leasehold and personal property, he should endeavour, as concisely as he could, to point out to the public the anomalies and injustice of the present system, and then estimate the amount of revenue which might be obtained for the public service if the change he proposed were carried into effect. If he required any authority for the proposition he now made, he might quote that of a statesman, whose opinions were always looked up to with respect by hon. Members on the other side of the House, he meant Mr. Pitt, who, when he originally introduced the present plan of imposing probate duties in 1796 on personal property, also advocated the propriety of imposing similar duties on real estate. Mr. Pitt introduced a bill for this purpose, which he carried through every stage in this House; but it was carried only by a majority of one on the third reading, and he was ultimately compelled to withdraw it on the question, that the bill do pass, the numbers being equal on a division. The House was probably aware, that the principal statutes now in force in relation to this subject were the 36th, and 45th, and 55th of George 3rd; and the effect of the law as it now stood was this, that if a person died possessed of any leasehold or personal property of any description, a heavy *ad valorem* tax called a probate duty was imposed; but if the person died possessed of freehold or copyhold property, no tax whatever was imposed; in addition to this, a duty called a legacy duty (which varied according to the degree of relationship of the parties receiving the property to the deceased) was imposed on leasehold and personal property, and also on charges on real estate. But if the testator chose to make a bequest of the land itself, then no legacy duty was chargeable on such land; so that while the land might be of great value, and the charges upon it of inconsiderable amount, the new owners of the land were exempted, while the poor man, who only received some small annuity out of the estate, was liable to the legacy duty. It appeared to him, that this state of the law was most unjust to the public at large. The public were continually told of the enormous value of landed property. If it be so much more valuable than other descriptions of property, why should it not contribute its just share of the burdens of the state? He could not understand on what fair principle it was that one man, by investing his savings in freehold property, was to relieve his children from contributing to the exigencies of the State, while another man, who chose to invest his money in the funds, was to render his descendants for ever liable. Could it be reconciled to the commonest principles of justice that the poor man, who saves by his industry a few hundred pounds, was to have his savings taxed, while the rich and wealthy heir to landed property of enormous value was to escape? Why was leasehold property to be subject to this tax, if copyhold was not to be subject? And if copyhold was to escape, on what principle was leasehold to be charged? Why was a reversionary interest in property in the funds to be taxed, while the entailed estate was to escape? On what principle could you exempt a farm, directed to be sold, from probate duty, while it was subjected to the legacy duty? Since he had first mentioned the subject he had received various communications from different parts of the country, pointing out the unfairness of the present system. He would read to the House, as most pertinent to the question, an extract of a letter from a gentleman residing at Leamington;—

"I was compelled to pay probate and legacy duty on the death of my father, whilst, about the same time, the whole of the very large parish of Beaulieu (containing 13,000 acres of land, and in value nearly half a million) passed from the late Duchess of Buccleuch to her son, the present Lord Montague; and also a large estate in this and two adjoining parishes (worth nearly 100,000*l.*), which passed from the late Bishop of Winchester to his son, the late Mr. Tomline—in both cases without payment of probate and legacy duty, because the properties were freehold. I feel naturally galled, that my relatives and myself should be compelled to pay this tax on our personal property, derived from the savings of a long, laborious life, whilst those who imposed this tax on us did, whilst they so taxed us, exempt their own freehold estates of enormous value from similar taxation."

Since those taxes were imposed, in 1797, they had produced to the revenue no less a sum than 62,329,084*l.*, as appeared by the following account:—

TOTAL DUTY RECEIVED SINCE 1797.

	Legacies.			Probates and Administrations.		
England ······	£32,136,634	0	7	£25,504,823	18	8
Scotland ······	1,862,755	19	4	1,274,941	0	2
Ireland ······	609,840	5	3	940,089	7	11
	£34,609,230	5	2	£27,719,854	6	9

Total....£62,329,084 11 11

And during the financial year ending in January, 1842, they have produced upwards of 2,000,000*l.*, according to the following table:—

AMOUNT OF REVENUE RECEIVED IN THE YEAR ENDING JAN. 5, 1842, FOR STAMPS ON LEGACIES AND PROBATES, AND LETTERS OF ADMINISTRATION.

	Legacies.			Probates and Administrations.		
England ········	£1,109,317	1	7	£915,351	19	6
Scotland ········	69,787	15	7	57,955	0	0
Ireland ········	30,020	14	7	38,564	4	0
	£1,209,125	11	9	£1,011,874	3	6

Total....£2,220,999 15 3

It must, of course, be difficult to estimate accurately the amount that would be received if those duties were imposed on landed property; but he thought they would produce between 1¼ and 1½ millions. He arrived at this result by referring to the figures made use of by the right hon Baronet, the Member for Tamworth, in the course of his financial statement. The right hon. Baronet had estimated the rental of land at about 40,000,000*l.* per annum, and he had estimated the rental of houses at 25,000,000*l.*, and income from British and foreign funds at 30,000,000*l.*, making a total of 95,000,000*l.* As the personal property of which the estimated income was 95,000,000*l.*, had produced upwards of 2,000,000*l.* of duty, it was fair to estimate that the 40,000,000*l.* of rental would produce upwards of 1,000,000*l.* of duty; and though, on the one hand, part of the rental was probably entailed, yet, on the other, some of the houses were freehold, so that their incomes would probably compensate each other. He could obtain the same result by another calculation—the duration of life in the easy classes of society might be reckoned at fifty years, and it might also be calculated, that persons came into possession of their property when about thirty years of age, which would show a change in the ownership of landed property every twenty years; which would show (assuming the rental to be 40,000,000*l.*), that a rental of about 2,000,000*l.* would be every year subject to the tax. Now, at twenty-five years' purchase, the fee simple of this would be 50,000,000*l.* It had been estimated by a gentleman well acquainted with these matters (the late Mr. Gwynne, comptroller of the legacy duties), that, on an average, the amount received from legacy and probate duties, was about 3 per cent. on the value of the personal property subject to these duties in each year; and applying this calculation to the 50,000,000*l.* worth of land which would be subject to the tax, you would get a revenue of 1,500,000*l.* He ought to add, that these calculations were the lowest amount that would be received—in all probability the produce of the new tax would be much more. During the late debates on the Income-tax, the right hon. Gentleman, the Chancellor of the Exchequer, and the noble Lord, the Secretary for the Colonies, had expressed an unfavourable opinion to the motion he now made. He ventured to say, that the arguments made use of by those right hon. Gentlemen were without foundation. To begin with the right hon. Gentleman the Chancellor of the Exchequer; that Gentleman had stated, that the legacy duty received on personal property in six years, from 1796 to 1803, was 5,109,635*l.*, and that the act of 1805 (the 45th George 3rd) having imposed a legacy duty on the charges on land, he found that in the six succeeding years the legacy duty rose to 14,700,000*l.*; and, therefore, there remained 8,900,000*l.* as a legacy duty paid by land. He thought that the right hon. Gentleman had stated too much for the purposes of his argument. In the first place, these figures were not strictly correct, as part of the increase had been occasioned by the legacy duties on personal property being raised. But even admitting that the whole rise had been occasioned by making charges on land liable to the duty, still, as the right hon. Gentleman had forgotten to state to the House that the land so chargeable was not subject to probate duty, and as the probate duty bore to legacy duty the proportion of one to one, the right hon. Gentleman had shown by his own figures that there was a loss to the revenue of at least 8,900,000*l.*, in consequence of probate duty not having been charged during the period he had alluded to. The next fallacy of the right hon. Gentleman the Chancellor of the Exchequer was this. The right hon. Gentleman had stated, that the stamps on deeds amounted to no less a sum than, in England, 1,443,043*l.*; in Scotland, 103,671*l.*; in Ireland, 118,580*l.*—total, 1,665,294*l.*; and, consequently, that the landed property of this country was subject to a very heavy tax from which other property was exempt. No doubt, if the facts stated by the Chancellor of the Exchequer were true, his inference would be correct; but what would the House think when it turned out, on inquiry, that this amount of 1,665,294*l.* included not only stamps on conveyances and mortgages, but every species of legal deed to which personal property was liable, and was therefore totally inapplicable to the argument. He would mention a few of the items, comprising this sum of 1,665,294*l.*, and the House could judge for itself. There were admissions to the learned professions, affidavits, agreements, bonds, charter parties, leaseholds and leases, certificates on drawbacks, deeds of all sorts, and declarations of trusts, grants and letters patent, powers and warrants of attorney, duties on law proceedings, mortgages, stamps on policies of life assurance, and settlements of personal property. He certainly had never heard a statement made in that House more calculated to mislead than that of the right hon. Gentleman, the Chanceller of the Exchequer. He would venture to assert, that out of the 1,680,000*l.* so confidently alluded to by the right hon. Gentleman, not more than 400,000*l.* at the very outside was paid as stamp duty on the conveyance of freehold or copyhold property. It also ought to be recollected, that the chief part of these conveyances took place in the neighbourhood of large towns, where plots of ground were required for the purposes of building, and did not, in fact, fall upon the landed gentleman, but on the tradesman and merchant who required the ground. In corroboration of this he might say, that the late Mr. Humfreys, the conveyancer, estimated that in Middlesex almost the whole of the land changed owners every fourteen years. If the stamps on conveyances are too high, the proper course for the House to adopt would be to reduce them. He did not, however, believe them to be more unjust to the landowner than receipt stamps to the tradesman. He thanked the right hon. Gentleman for alluding to mortgages. There was no duty in the whole of the Stamp Act which more clearly demonstrated that the laws in this country were made for the rich, and not for the poor. If a needy tradesman requires to borrow for the purposes of his trade the sum of 50*l.*, he has to pay 1*l.* as duty, while the rich landowner who wishes, for the purpose of improving his property by making roads or canals, to borrow 10,000*l.*, only pays a duty of 12*l.*, while if he were charged at the same rate as the needy borrower of 50*l.*, he ought to be taxed 200*l.* If the sum of 1*l.* is a fair tax on 50*l.*, the following table would show the loss to the public by the existing system:—

Sum borrowed.	Stamp duty now paid by law.			Correct stamp duty.			Loss to revenue.		
£	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
50	1	0	0	1	0	0	0	0	0
100	1	10	0	2	0	0	0	10	0
200	2	0	0	4	0	0	2	0	0
300	3	0	0	6	0	0	3	0	0
500	4	0	0	10	0	0	6	0	0
1,000	5	0	0	20	0	0	15	0	0
2,000	6	0	0	40	0	0	34	0	0
3,000	7	0	0	60	0	0	53	0	0
4,000	8	0	0	80	0	0	72	0	0
5,000	9	0	0	100	0	0	91	0	0
10,000	12	0	0	200	0	0	188	0	0
15,000	15	0	0	300	0	0	285	0	0
20,000	20	0	0	400	0	0	380	0	0
61,000	93	10	0	1,223	0	0	1,129	10	0

So that the country lost no less a sum than 1,129*l.* on thirteen mortgages. The noble Lord, the Secretary for the Colonies had said that hon. Members on this side of the House had forgotten the charges on marriages or family settlements. Really the noble Lord could not have made accurate inquiries on the subject, if he thought the charges on marriage settlements were a reason for exempting real property from legacy and probate duties. What were the facts? Why, that personal property paid more in proportion than land in case of a settlement. Supposing A and B were desirous of settling 20,000*l.* on the marriage of their daughters on the usual trusts, A being a landowner and B a fundholder; did the noble Lord know what the stamp duties would be? In the case of A (the landowner) he would have to pay

l.	*s.*	*d.*	
1	15	0	deed stamp
6	5	0	five skins.
£8	0	0	

but in case of B (the fundholder) he would have to pay

l.	*s.*	*d.*	
25	0	0	duty on 20,000*l.*
6	5	0	five skins.
£31	5	0	

being the large sum of 23*l.* 5*s.* more than the landowner had to pay. He was sorry to trouble the House with these details; but the only way of answering the fallacies that had been brought forward in defence of the present unjust system was by pointing out the mistakes that had been made. He did not think the present scale of probate duties on personal property a good one; but still, if probate duties were imposed on landed property, the inequalities of the scale might be altered. He thought, on the whole a tax falling on property after death was a good tax; it was in the nature of such tax to be unavoidable. If a tax were laid on wine, or on any article of consumption, the public might evade the tax, by not using the article; but as every man must die, and leave his property behind him, the whole property in the United Kingdom must sooner or later become subject to the tax. He would no longer trespass on the attention of the House, but, repeating that he believed the proposition he had made was founded on justice and reason, he would leave it in the hands of the House to decide as they might think best for the interests of all classes of society in the United Empire. The hon. Member concluded by moving,

> "That it will be expedient for this House, at an early period, to resolve itself into a Committee of the whole House, for the purpose of considering the act 55 George 3rd, c. 184, with the view of imposing legacy and probate duties on succession to real estates, of the same amount as are now imposed by the said act on succession to personal property."

The *Chancellor of the Exchequer* was sure, that every hon. Member who had heard the hon. Gentleman would be convinced, that this motion was brought forward more with the view of discussion than for any practical result. As far as the probable effect of such a change went, the House had practically discussed the subject when the noble Lord, the Member for London, had moved his resolutions. He had then stated, that by imposing the same duties on real and personal property, they would not produce so large a revenue as was anticipated, neither would it place the two properties on an equal footing. The hon. Gentleman proposed by his motion "to consider only the act of 55 George 3rd, c. 184, with a view of imposing legacy and probate duties on succession to real estates of the same amount as are now imposed by the said act on succession to personal property." Now, the hon. Gentleman was well aware that his motion merely meant to deal with real property, which was not under settlement—for the act which imposed the legacy and probate duties dealt with no personal property under settlement; if a party divested himself in his life-time of all property that could pass by devise, his estate paid no legacy or probate duty. It was clearly the view, therefore, of the hon. Member to apply his proposed enactment only to unsettled landed property. He was anxious to impress this upon the House, because it would have an extensive influence on the amount which the hon. Gentleman calculated he should obtain; and was important in determining whether the tax would really have the effect suggested. He had stated on a former night—and his statement had not been controverted—that the great bulk of the landed property of this country was under settlement; and if the same duty that was now applied to personal property were extended to real property unsettled, a large portion of the landed property of this country would be as much exempted from the payment of this duty as it now was. He had stated then, and he had been since confirmed in the opinion, that the largest part of the unsettled landed property belonged to the small proprietors, and the effect, therefore, of the hon. Member's motion would be to exempt the bulk of landed property, which belonged to the large holders, and impose the duty on the smaller, superadding the legacy and probate duties to the charges to which they were at present subject. He, therefore, conceived, that the tax would upon this ground alone disappoint the hon. Gentleman, so far as the amount of revenue to be derived from it went. With regard to the property of the Duchess of Buccleugh, of which the hon. Gentleman's correspondent complained as not being liable to duty on its passing to Lord John Scott, no duty would have been paid under the present proposal, for the property did not pass by devise, but under a settlement made many years before by a former owner. So also was it with respect to the other property of large amount, to which the hon. Gentleman had adverted. Then, said the hon. Gentleman, "Your stamp duties are generally liable to the charge of committing great injustice, and operate most unequally." He would not then defend the stamp duties; he did not deny that they were imperfect; he had some years since himself endeavoured to effect a general reform, but he had been impeded by the numerous objections made by hon. Gentlemen to different parts of his plan. His successor, Lord Monteagle, had also attempted a reform; but he, too, was assailed by such general objections, that he was glad to retire from the fire under the shelter of a reduction of the duty upon newspapers. Although he thought that some improvement might be made, and although he was willing to look, after due consideration, to a change for the better, yet of course the power of doing this must depend, not only upon persons in office under Government, but also upon those who had thought upon this subject, and who were willing with a view to general benefit, to waive individual objections. Equal, or unequal, however, as the stamp duties might be, they had no very material bearing upon the question before the House. Inequality there assuredly was, but certain circumstances must be taken into account, and it must be recollected, that as they were laid on for the purposes of revenue, if they were theoretically equal, they might, for that purpose, be practically inefficient. The hon. Gentleman had stated, that personal property was subject to the probate and legacy duties, which had no reference whatever to land. It was true, that the act which passed in 1796 did not relate to landed property, and that Mr. Pitt was defeated in his attempt to include land; but Mr. Pitt returned to the attack, and not only succeeded in imposing the legacy duty upon personal property, but also on all real property directed to be sold. He thought, that he had shown the proportion between the amount of legacy duty paid on personal property and real property to be as eight to five. He admitted there was an inequality as to the probate duty, but the legacy duty was paid in the proportion he had mentioned. He would now consider a little what was the effect of investing money in land and in the funds, so far as the payment of taxes to the revenue was concerned. Suppose a man having 10,000*l.* of property wished to invest 5,000*l.* in the funds, and 5,000*l.* in land; if he purchased land he would be subject to a considerable amount of charge. It was difficult to say what was the relative amount of stamp duties paid on personal property and on real, but he had procured from the stamp-office a return of what would be the amount of charge imposed on an individual who laid out 5,000*l.* upon land. First, there was the duty on the contract of 1*l.*; on the lease for years the charge was 1*l.* 15*s.*; on the principal skin of the covenant the duty was 55*l.*, and there was also a duty upon every succeeding skin, amounting on all to 6*l.*; there was a charge of 2*l.* 10*s.* on the attested copies; and a charge of 1*l.* 15*s.* upon the outstanding term. And thus a total charge of 68*l.* upon the transfer of land was made, which was to be paid down in the first instance. But he would now see what it would cost a man to invest his money to the same amount in the funds. It would cost him nothing; for he might walk into the city, and without any expence on account of stamp-duty, his money might be invested, and become immediately profitable. Returning now to the case of a landed proprietor, he would suppose that he lived for twenty years, and that at the expiration of that period he died, leaving his lands to his son. The 68*l.* which he had paid in the first instance, if he had retained it in his own hands, would in the course of that time, have become more than doubled, but he would now be called upon to make no fresh payment in respect of his property. Supposing the man possessed of personal property to have also died at the expiration of the same period, also leaving his money to his son, a charge of 50*l.* would be made upon the 5,000*l.* which he had supposed him to possess, and thus the transfer of the personal property would be effected at a cost far less than that which would attend the disposal of landed property from one individual to another. Undoubtedly if the personal property of the deceased person was bequeathed by him to his brother or to a stranger, the charge for legacy duty would be considerably greater than he had suggested, though still smaller than the accumulated amount which the 68*l.* the landed proprietor would be liable to pay would have amounted to, had he been exempted from payment for the same period; but in arguing cases of this description he thought that it was more fair and just to take the ordinary course of succession to the son, than the more unusual one of bequest to a stranger. So much, then, for instances of particular estates. The hon. Member had said that a large proportion of the deeds in respect of which stamp duties were payable, were not, in truth, applicable to real property, but applied rather to matters relating to personal property; but from inquiries which he had made of those who were best able to afford information, and to draw just calculations, he found that a very large proportion of the duty derivable from this source was, in truth, paid in respect of deeds which affected or related to landed property, and not personal property, many of the latter being found to produce very little or no revenue on their being taken into account. The difficulty in arguing this question was, that they had no precise data to go upon, and that they could only found their conclusions upon general calculations; for, to go through the whole of the stamp laws with a view to the arrival at minute results, was a task the accomplishment of which would require the application of the force of a very large establishment. Those who were best acquainted with this subject calculated the total amount of these deeds at 1,700,000*l.*, and of this a sum of 1,100,000*l.* had reference to landed property; while 600,000*l.* only was the amount in regard of personal property. But if the hon. Member was induced to suppose that he had calculated this at an improper ratio, he would take the comparative amount to be as two to one. [Mr. *Ewart:* You include leases which are personal property.] A lease on a landed estate was said by the hon. Member to be a chattel—a mere matter of personal property; but although this might be perfectly true, he said that it was a charge upon the landed estate. He did not know whether there were any other points in reference to this subject to which it was necessary for him to refer, but he must say, that the view which he took of this question remained unaltered after all that he had heard in the course of this evening. He did not deny that the stamp duties might and did require amendment, and that it was difficult, without a very careful and a very minute examination of them, to ascertain which of them applied to landed and which to personal property; but he contended that if this motion was carried, the effect of it would not be to produce that revenue which it was said would be realised from it; but that it would operate only on the small class of landed proprietors; but considering that they had among them some of the most independent and useful members of the community, he should be indisposed to press upon them with any undue measure of increased taxation.

Mr. *Hume* thought, that the right hon. Gentleman who had just sat down had made out so strong a case as to induce the House to vote in favour of his hon. Friend's motion. The right hon. Gentleman had said, that there was great inequality in the operation of the stamp laws, and he had admitted, that the burdens on personal, were as eight to five on real property. He told the House, however, that if this motion was carried, the existing law of settlement of land would prevent its being liable to the taxation, which was expected from it, but to that he said, that an act of Parliament might easily rectify this. He contended, that if any such exceptions existed, inquiry ought to be made, and these should be removed, as what was really wanted in this country was equality of taxation. He had received many letters complaining of the inequality of the existing taxation upon what was considered real and personal property. As an example, in a letter from Devonport, he learned, that the estate of Sir John St. Aubyn, in that borough, worth 16,000*l.* per annum, was leased for lives, and that the whole of those leases would be charged probate and legacy duty, while the freehold estate of Sir John St. Aubyn adjoining would go by descent without the payment of any duty at all. The right hon. Gentleman had stated, that the proposed tax on real property by descent, would fall upon the small landed proprietors. Why, that was the complaint under the existing law, for in ninety-nine out of 100 cases, the property of the poorer class was sold to be divided amongst children or relations and thus paid legacy duty, while in 999 out of 1,000 cases the real estate of the aristocracy went direct to the heir-at-law, and did not contribute any duty to the Exchequer. With regard to the complicated nature of the stamp duties and the alleged difficulty of getting data on which to assess real property by descent, he submitted it as the duty of Parliament, in the present state of the nation, to ascertain and define accurately the distinct burdens of taxation, and how they pressed on every class of the people. The right hon. Baronet at the head of the Government had taken five or six months maturely to consider and digest his views and propositions, before submitting them to the House. Why had he not appointed a commission at the close of the last Session to inquire into the nature of the burdens on real and personal property, and then he would have been enabled to furnish full information on this very subject about which so much difficulty was said to exist —information upon which Parliament and the Government might have acted. If Mr. Pitt had wished to tax real property, he would have had no difficulty in providing that the settlement of estates should not escape the fair burden; and, while mentioning the name of that Statesman, he could not avoid stating to the House, that there never was an act of the Legislature which proved more clearly the influence of class legislation than that by which the legacy duty on personal was first imposed, and real property exempted. He had, on a former occasion, adverted to the history of that bill, as it was found in the Journals of the House. It appeared, that a message from the Crown, on the 8th December, 1795, called upon the House to make provision for the extraordinary expenses of the public service, and two resolutions were proposed and passed by the House, expressing their opinion, that the duty should be charged equally upon real and personal property. The first of the resolutions was as follows:—

"Resolved, that it is the opinion of this committee, that towards raising the supply granted to his Majesty, a duty be charged upon the clear value of any real estate, that upon the death of any person, shall descend, or pass by devise, or by force of any gift, grant, or conveyance, or by act or operation of law, to, or to the use of, or in trust for, any person or persons of the kindred of the deceased in the several degrees hereinafter mentioned (except purchasers for valuable consideration actually paid), in fee simple, fee tail, or for term of life or lives, according to the rates following."

The second resolution was in the following terms:—

"Resolved, that it is the opinion of this committee, that towards raising the supply granted to his Majesty, a duty be charged upon every legacy, and upon every share or residue of the personal estate of any person dying and leaving such estate of the clear value of 100*l.* or upwards, which shall pass either by devise or by force of the statute of distributions, or the custom of any province or place, to any of the kindred of the deceased in the several degrees hereinafter mentioned, according to the rates following."

These were the resolutions on which Mr. Pitt proposed to levy an income-tax, equally on real and on personal property; and on the 8th of February, 1796, two bills were introduced founded upon these resolutions. On the 10th of the same month the bill for taxing personal property was read a second time, and ordered to be committed for the 12th. It was considered in committee on the 17th; and on subsequent occasions up to the 17th of March, when the report was considered; the third reading was carried on the 5th of April, by sixty-four to sixteen votes, the bill passed, and eventually received the royal assent on the 21st of April, 1796. With respect to the tax upon real property, however, the course was far different. The second reading of that bill was fixed for the 21st of April; on the 22nd it was committed; on the 25th and 26th it was also considered in committee; on the 5th of May the report was considered; on the 9th of May it was moved, that the reception of the report be deferred for three months, which was negatived by a majority of eighty-one to fifty-one; on the 12th and 13th of May the third reading was discussed, and the motion, that the bill be now read a third time, was lost by two, the numbers being for the third reading forty-six, against it forty-eight. A motion was then made, "that the bill be read a third time to-morrow," on which the numbers were fifty-four to fifty-three; and on the main motion for the third reading the House again divided, fifty-four to fifty-four. The Speaker gave his casting vote in favour of the third reading; but, upon the bill being brought forward the next night, it was postponed for three months, without any division or any cause being assigned, and nothing more was heard of it. He had been informed, that the cause of that course being adopted was, that certain of Mr. Pitt's supporters had visited him in the morning, and had told him, that if he pressed on the bill he should no longer receive their assistance; and the personal property had paid upwards of 62,000,000*l.* sterling as legacy and probate duty in these forty-six years; whilst real property had not paid one farthing. He (Mr. Hume) contended, that the cause of this class legislation was, that the people were not represented in the House; and it must be evident to every person, that to refer such a question as this to the House of Commons as at present constituted, was to refer it to a jury of landowners, whose interests were opposed to those of the country at large. He contended, that the right hon. Baronet was maintaining the interests of the landed proprietors in opposition to those of the country in general, and he thought, that the right hon. Baronet would have some difficulty in proving to the House, that he was treating these with equal justice. He believed, that the right hon. Baronet was in a position of great difficulty—that he had hard taskmasters over him, and that he was unable to do that which he really thought would be for the interest of the country. But it should become a question for the right hon. Baronet soon to do justice to all interests: he differed altogether as to the amount of the tax which would be derived from the real property of the country. He took the value of landed property, as it was stated at a meeting of landed proprietors, in the course of last year, that the capital employed in land was three thousand millions sterling in amount. The average time for which that property would remain in the hands of the same proprietor, he was told, was thirty-three years, so that if this property were subjected to a tax of only 3½ per cent. on its transfer, an annual return of two and a half millions would be produced. Why, then, should the House be called upon to impose this obnoxious Income-tax upon traders and others, and thereby twice to tax personal property, when so just a tax as one on real property by descent, was capable of realising the total amount of the deficiency complained of? He contended, that there was no man in that House, who was desirous of doing justice to the people of this country, who ought not to concur in the view which he had presented to the House. He thought, that his hon. Friend was fully justified in bringing this subject before the House, and he hoped, that he would be supported in it. Instead of an Income-tax to add to the burdens of the people, this was a time when they were called upon to effect a reduction by economy and retrenchment in the expenditure of the country. Her Majesty, in her Speech from the Throne, had called their attention to that subject, but as yet nothing had been done to effect that object, and he should like to be informed what steps had been taken by the right hon. Baronet towards that end? He maintained, that they were not acting honourably in pressing the partial and unjust Income-tax bill, and on that ground he should divide in favour of his hon. Friend's motion.

Mr. *Ewart* thought that the right hon. Gentleman, the Chancellor of the Exchequer, had argued upon a fallacious ground, when he had treated this question as if landed property and real property were convertible terms. There was a distinction between them which he thought he should be able to point out, for leasehold property was landed property, while it was not real property. The right hon. Gentleman, by a skilful species of legerdemain, had contrived to leave the case before the House as if the two kinds of property were of the same character. Leasehold property, however, did not partake of the quality of real property, but was of the nature of personalty. There was a second point to which he would also refer. Leasehold property, in its character of personal property, paid the probate and legacy duty; but it was not only subjected to this burden, but, by reason of its connection with land, it was also called upon to bear the additional charge of stamps *in transitu*. This was the effect of a law which had been made by a predominant majority, but which, he thought, ought not to be continued after it was once pointed out.

Mr. *Wallace* said, that in the country to which he belonged, the probate duty was the most tyrannical, disgraceful, and the most stringent perhaps of any enactment known in that country; it was, however, a little more genteel in England, and a little more prompt than in Scotland; and whilst the House was arguing the question as related to England, he demanded that the inquiry should also be applied to the country of which he spoke. If landed property paid its fair proportion of duty, the owners of the property would take care that the law should not act as it did at present. He attributed the present evil state of things to that horrid system of class legislation which prevailed in this country. Class-legislation prevailed to a great extent in that House, as was manifested in the passing of the Corn-law Bill; for he repeated that that bill was wholly made to assist that part of England which grew the best wheat. It was great injustice to make any distinction between the taxation of real and personal property. But this was the result of class-legislation. He hoped every man on his side of the House would denounce class-legislation; and whenever he got to the other side along with his friends, whenever that time might be, he hoped their opposition to that system would be unceasing, for it was class-legislation that had caused the present depressed state of our trade, manufactures, the shipping interest, and our foreign and domestic commerce. Hence there was no investment for capital, and consequently money was crowded into the funds and the Bank. The fact that the interest of money was never so low proved this. He affirmed that the rise in the funds, of which the right hon. Baronet boasted as a triumphant indication of his policy, was not produced by his measures, but by the general stagnation of trade, &c.; and he was sure that if what he then said should go before the public, many would join him in defying the right hon. Baronet to contradict his assertion.

Lord *J. Russell* said, that there appeared to him to have been two strong objections stated to the present motion, one of which was that made to the words of the motion by the Chancellor of the Exchequer, who told the House that if this tax were imposed upon real property, were imposed upon the succession to real estates to the same amount as was now imposed upon personal property, in the first place it would not effect the object in view, of making an equality in those duties, and in the next place it would give but a small amount to the revenue. The reason given by the right hon. Gentleman was, that personal property which was settled was not liable to the probate and legacy duties, and therefore that a tax upon real property to the same amount would not affect that portion of it which was settled. He thought that a sound objection to the motion; but he owned that he did not see, and he heard no reason advanced why, if they had a tax upon the succession to property, that tax should not be equally imposed, or why it should not be applied to settled as well as to other property. He could understand the objection to a tax upon the succession to property, that it amounted to something very like a confiscation of the whole property; but if they agreed that it should be to a moderate extent only, and used it as one of the sources of taxation, he could not see the justice of saying, "We will impose that tax upon all property which is not settled, but large estates, which are settled, shall not be made to contribute to the revenue of the country in this way." The hon. Member for Dumfries stated, and he believed truly, that leasehold property, which was chargeable with and paid part of these legacy and probate duties, was likewise liable to stamp duty on conveyance, and was thereby liable in both characters to this tax. He believed also, that it was quite true that there was a great portion of property settled in families, and descending from father to son, or from one relation to another, which did not come within the operation of this tax, and which was entirely exempted from the bill of the right hon. Baronet; and therefore did he think, that although the objection to the terms of the motion might be sound, it did not take away the value of the general principle of the motion. If it were said that these taxes should be rendered productive to the revenue, and that they should be made equal—that great estates should not be exempted while small estates and small properties were subject to them, then would he agree to the proposition. There was also another reason why he could not vote for the motion, a reason to which the Chancellor of the Exchequer very naturally had not adverted. He thought the Government had a fair right to call upon them to agree to some system regarding the finances of the country. The system they had proposed was to impose a large amount of taxation on property and income. He had already stated it as his opinion that that was a measure to which they ought not to resort—that they had other means at their command of supplying the Exchequer, and amongst them an increase of the assessed taxes and an arrangement of the probate and legacy duties. The House had refused to agree to his proposition, and had since upon two occasions affirmed the principles of the right hon. Baronet's bill. That being the case, he did not think it would be advisable in him to aid by his vote a proposition for imposing additional taxes upon the country. He regarded an Income-tax as unadvisable and unnecessary, but he did not think it would be at all amending the condition of the country if, in addition to that tax, they were to consent to impose an additional burden on the country in the shape of probate and legacy duties. He thought it would be very fit when the Income-tax was passed to go into a revision of those probate and legacy duties, to say that so much was collected by them, that they would not increase that amount, but that it should be fairly levied upon all species of property. He would diminish taxation upon one kind and increase it on another kind of property, so as to make the tax fall more equally. As the motion stood on the paper, therefore, he could not give it his consent. As one of those who considered taxes as well as commercial restrictions in themselves an evil, he should not feel himself warranted, from any abstract love of this tax of probate and legacy duties, in giving his vote in favour of such a tax. Although he agreed, therefore, that there should be an amendment made in the present system, and that the hon. Gentleman's case had not been answered by the Chancellor of the Exchequer, yet he could not upon a division vote in favour of the proposition. He, however, hoped that the question might be reconsidered at a future period, and that justice would be introduced into this species of taxation. The right hon. Gentleman himself admitted that the stamp duties were not altogether what they ought to be.

Sir *R. Peel* said, he thought that the hon. Member for Montrose had given proof during the short period of time which had elapsed since his return to that House that he had returned to it like a giant refreshed. It would really appear from the charges which the hon. Member had brought against him that the hon. Member was not aware of what had been passing during his absence. The charge against him was, that he had deluded the agricultural interest, that he had conciliated their favour by false praise, that he had misused the power and the confidence that had been placed in him, and that if he were now to appeal to the country, such would be the indignation of the agricultural classes, on account of the deception practised towards them by him, that he should assuredly be left in a small minority. An attempt was thus made by those who supported the hon. Member, to excite dissatisfaction in the agricultural friends and supporters of the Government, on the ground that he had grossly betrayed the trust reposed in him and shown himself peculiarly unfavourable to them. Such had been the charge. The hon. Member now stated that he ought to be convicted of the grossest partiality, that he was the advocate of class interests, that he sacrificed the general interests of the community to a landed monopoly, and that he ought to be sentenced to condign punishment for so acting. Now, he felt convinced that a large portion of the community would believe that he had endeavoured to discharge his duty; that he had discouraged other considerations than those which a conscientious sense of public duty had dictated, and that he had attempted to do justice to all classes in the State. Thus was he on the one hand accused of having deceived the ariculturai interests, and on the other of sacrificing every other interest for the sake of their class interests and for their peculiar benefit. He was surprised that during the absence of the hon. Member for Montrose from that House he had not meditated a little on the course which he himself pursued last Session; because, when the hon. Member denounced a property-tax as the most unjust of all taxes, that it seriously affected the industrious classes, and that it was in its very nature an odious tax. [Mr. *Hume:* The inquisition.] But the inquisition would apply to property. The hon. Member said, that the tax would diminish the funds of labour. [Mr. *Hume:* No.] Now, stop. He found that the hon. Member voted last year in favour of a motion stating "that the assessment of all property, real and personal, within the United Kingdom;" he apprehended that funded property was personal property. But the hon. Member contended last night that there never was a more iniquitous breach of public faith than in the taxation of personal property. He had heard the hon. Member say that parties who incurred debts and then taxed their creditors were guilty of a shameful violation of public duty; that all those who lent money were clearly entitled to an exemption; that it was perfectly right to tax the landowners, but that he objected altogether to taxation upon incomes derived from professions or trades. Last night the hon. Member said that any tax upon personal property was a violation of public faith, and yet he understood that the hon. Member voted last Session "that the assessment of all property, real and personal, in the United Kingdom, would be a fit and proper substitution for the excise and customs' duties." Would you tax funded property for that purpose? If it were at all a violation of public faith, it was as much so to tax funded property for the purpose of relieving the industrious classes of the people from the excise duties as it was to tax it for the purpose of redeeming the country from a great political emergency. If it were a violation of public faith to tax property it must be as great a violation in one case as the other. He could not consider this motion in any other light than as a renewal of the debate on the second reading of the Property-tax Bill. He did not mean to say that it was not perfectly fair, but it was quite clear that the motion and discussion on it was an obstruction, and an intentional obstruction, to the progress of that bill. He did not mean to say that it was a vexatious or factious obstruction, but that practically it was an obstruction. If the hon. Member denied that it was a practical obstruction to the progress of the public business, then was the hon. Member good enough to propose an additional taxation on the country of 1,500,000*l.* [Mr. *Elphinston:* No; as a substitute for schedule D.] The hon. Mover only proposed a reduction of one-half of schedule D. He proposed its omission, but he also proposed that the landed property of the country should remain in schedules A and B, and be liable to the legacy and probate duties. When they got to schedule D a discussion would arise as to the propriety of exempting incomes derived from professions and trades, and he should then be prepared to contend that in proposing a tax upon property it was just to tax income so derived as well as income derived from landed property. He should contend against the hon. Gentleman's proposition on more advantageous terms. The hon. Gentleman said, that a property-tax was perfectly justifiable—not only justifiable, but that there should be an additional impost in the shape of legacy and probate duties. As justly observed by the noble Lord, the hon. Gentleman's motion, according to its terms, implied only this—that real property should be subject to the legacy and probate duties upon the same conditions as those upon which personal property was now taxed; personal property being the subject of settlement was now exempted from those duties, and consequently that if the hon. Gentleman succeeded in carrying his motion, and if the conditions on which it was founded were strictly adhered to, he would exempt from the liability to legacy and probate duties all large estates in this country which were the subject of settlement. It might be open to discussion whether the fact of settlement should prevail against those duties either in the case of real or personal property; but all the hon. Gentleman proposed was, that real property was to be subject to the same conditions that personal property was now subject to. It being exempted, it was quite clear that the only cases in which the hon. Gentleman would effect his object were those of landed estates which were not the subject of settlement, and consequently those which probably did not constitute the great mass of property in this country, or, at least, which were not the property of the great landed proprietors of this country. He trusted that the House, having given its assent to the principle of the Income-tax, having again and again affirmed that principle—he trusted that the majority of the House would not consent to a motion which evidently disturbed the arrangement to which the House had already agreed. The noble Lord had referred to the legacy and probate duties; but he believed that the noble Lord had not included them in his own motion. The noble Lord mentioned other taxes which he thought might be tried—taxes upon articles of consumption, many of which would be reduced by the measure of the Government; but he was rather surprised that the noble Lord, who had expressed so strong an opinion upon the legacy and probate duties, did not leave that opinion on record in the resolutions he recently proposed to the House. The noble Lord made a faint, indistinct allusion to the question of sugar and corn, and some reference also to assessed taxes, but this great principle of legacy and probate duties, as applied to real property, was not embodied in the formal resolutions of the noble Lord, a kind of record which was supposed to be peculiarly applicable to the opinions of great statesmen. The opinion of the Government was, that a tax upon income, objectionable as it might be, was still liable, on the whole, to less objections than any other imposition by which such sum of 3,700,000*l.* could be raised. The House having affirmed that point, he felt himself exempted from the necessity of entering into the details of this particular proposition before the House—a proposition for additional taxation which he was sure the House would not affirm. Whether he had asked for taxes enough or not, he was not prepared positively to declare. He could only say, that the question was a most extensive and complicated one; that no just conclusion could be drawn without looking to the whole of the stamp duties and taxes upon conveyances; and he did trust, if at any time a modification of the existing system should be made, that there would be a Government sufficiently in the possession of the confidence of the House to be entrusted with the review of the whole question, rather than it should be devolved upon a select committee. Any modification of the probate and legacy duties, or an extension of them to other property, could not take place without a change in other burdens that bore in a different way on different kinds of property. He would not pronounce a decided opinion against the consideration of a question of this kind. He should give his decided vote in favour of the imposition of an Income-tax in preference to an alteration of the probate and legacy duties. He thought it was unwise for persons in public situations, unless they were required by necessity, to give positive pledges of opinion on any subject so complicated in its details as this. Look to the probabilities of evasion which would arise on the imposition of such a tax, from the facilities which persons had for divesting themselves during life of the property which, unless the proposed tax were imposed, they would transfer by legacy. As the House had already recorded its vote in favour of that property-tax for which the tax proposed by the hon. Gentleman was put forward as a substitute, he did hope that it would be negatived by a large majority, and that the House would be allowed to proceed with the details of the measure which the Government had proposed to meet the financial difficulties of the country, and the principle of which the House had, after repeated discussions, affirmed by large majorities.

Mr. *Ellice* hoped, that he should be acquitted by the right hon. Baronet from all implication in his charge of a desire to obstruct the measure he had proposed, if he voted for the present motion, for reasons which he would explain. He should do so, not because he wished to add this tax to that which the right hon. Baronet already proposed to raise by his bill; not because he wished, as the hon. Member himself did, to substitute it for schedule D; but simply because he did hope, that by agreeing to this motion, they would be advancing one step towards a reconsideration of the whole system of the duties affecting property in this country. Those duties stood on a most unequal, unfair, and unjust footing at present. He entirely agreed with the right hon. Baronet in one thing—that it was impossible to replace the revenue in an efficient state without a direct appeal, in the shape of taxation, to the property of the country. He did not oppose the present measures of the right hon. Baronet on the grounds taken by some Gentlemen on his side of the House; show him a necessity for the tax proposed, and whether we were at war or at peace he would not flinch from voting for it. He was well aware of the force of the right hon. Baronet's objection to this motion—that it only embraced one-half of the subject; he was fully aware of the necessity of extending the principle, not merely to legacy and probate duty, but to other modes of transferring property. Many schemes were resorted to to evade the duty. One case had come under his knowledge, where a person, wishing to transfer some stock to a stranger in blood, a declaration was made on half a sheet of paper that the stock in question was held for the benefit of the one person during his life, and after his death of the other. By this means the 10 per cent. duty was evaded. He was fully aware of the weight of the right hon. Baronet's objection, but still he voted for the motion in the hope that it might lead to a full review of the present duties on property with regard to all contingencies. The commercial interest did not wish property to bear any unfair share of taxation; all they required was, that it should bear its full fair share of the public burdens. He must always regret to take a course differing from that of his noble Friend, but looking to the state of the country, and the manner in which public opinion was brought to bear upon their proceedings, he did think it was of the utmost importance that they should endeavour to preserve equity and equality in all their proceedings with regard to taxation.

Dr. *Bowring* had listened with great pleasure to the doubting, hesitating manner in which the right hon. Baronet expressed his opposition to the motion before the House. It appeared to him that the right hon. Baronet had not clearly understood the opinions of his hon. Friend the Member for Montrose (Mr. Hume), who had merely said that if foreigners with money vested in the funds of this country, were to be exempted from the payment of a per centage on these funds, on the same principle they should exempt the English fundholder. But his hon. Friend had not expressed any positive opinion as to the propriety or impropriety of taxing funded property in general. He admitted that there might be some just objection taken to the wording of the motion before the House, and he should therefore move as an amendment the following words, in addition to the motion as it then stood:—

"As a substitute for some of those taxes which weigh most oppressively on the country."

Viscount *Howick* said, that all sides of the House seemed to agree with his noble Friend as to the inequality of the taxation on real and personal property as it at present stood, but the motion now before the House, with the addition just made to it, would not by any means do away with that inequality. To effect that purpose, there would be required a much more comprehensive measure, and in the absence of any such measure the present proposition would only introduce new anomalies and impose new burdens on the people. He certainly agreed in the axiom that the business of an Opposition was, not to propose taxes, but to object to them, and he had himself never yet voted for a tax unless when proposed by a Government. He certainly was not now prepared to vote for a tax which he regarded as an addition to the burdens of the people without its securing a commensurate advantage. A legacy duty was in its nature a peculiarly offensive and oppressive duty, operating as it did at times when families were suffering distresses, and adding to their personal afflictions, by the inquiries and investigations it led to as regarded the amount of the property of the deceased that would be affected by it. He would himself have been much better prepared to vote for the taking off the legacy duty on personal property. For if they were to submit to the annoyance of an Income-tax with all its offensive inquisition into private affairs and its expensive machinery, surely it would have been better to have had a larger per centage at once, and so have got rid of some taxes in the Excise and Customs which pressed heavily on the industry of the people, as well as of the legacy duty on personal property. But, taking the motion as he found it, he must vote against it.

Dr. *Bowring* withdrew his amendment.

House divided—Ayes 77; Noes 221: Majority 144.

List of the AYES.

Aldam, W.
Barnard, E. G.
Bernal, Captain
Blewitt, R. J.
Bowring, Dr.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, hon. W.
Bulkeley, Sir R. B. W.
Busfeild, W.
Chapman, B.
Christie, W. D.
Clay, Sir W.
Colebrooke, Sir T. E.
Crawford, W. S.
Dalmeny, Lord
Dawson, hon. T. V.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Ellice, rt. hon. E.

Ellice, E.
Ellis, W.
Evans, W.
Ewart, W.
Fielden, J.
Forster, M.
Fox, C. R.
Gill, T.
Granger, T. C.
Hall, Sir B.
Hatton, Capt. V.
Heathcoat, J.
Humphery, Mr. Ald.
Hutt, W.
Jardine, W.
Jervis, J.
Leader, J. T.
Marjoribanks, S.
Marshall, W.
Martin, J.
Mitcalfe, H.
Murphy, F. S.
Napier, Sir C.
O'Brien, J.
Ogle, S. C. H.
Paget, Lord A.
Parker, J.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Rice, E. R.
Roebuck, J. A.
Rumbold, C. E.
Rundle, J.
Rutherford, A.
Scholefield, J.
Smith, B.
Stansfield, W. R. C.
Stewart, P. M.
Stuart, Lord J.
Strutt, E.
Tancred, H. W.
Thornely, T.
Tuite, H. M.
Turner, E.
Villiers, hon. C.
Wakley, T.
Wallace, R.
Ward, H. G.
Wawn, J. T.
Williams, W.
Winnington, Sir T. E.
Wood, B.
Wood, G. W.
Yorke, H. R.

TELLERS.

Elphinstone, H.
Hume, J.

List of the Noes.

A'Court, Capt.
Acton, Col.
Adderley, C. B.
Ainsworth, P.
Alford, Visct.
Arbuthnott, hon. H.
Arkwright, G.
Bailey, J.
Bailey, J., jun.
Raillie, Col.
Baillie, H. J.
Baldwin, B.
Bankes, G.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Bell, J.
Beresford, Capt.
Beresford, Major
Bernard, Visct.
Blackburne J. I.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bramston, T. W.
Broadley, H.
Brooke, Sir A. B.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Buckley, E.
Buller, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, A.
Cardwell, E.
Carnegie, hon. Capt.
Cavendish, hon. G. H.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christmas, W.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clements, H. J.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Colvile, C. R.
Connolly, Col.
Coote, Sir C. H.
Corry, rt. hon. H.
Cripps, W.
Dalrymple, Capt.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marquess of
Drummond, H. H.
Duncombe, hon. A.
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Follett, Sir W. W.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Godson, R.
Gordon, hn. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greene, T.
Grogan, E.
Grosvenor, Lord R.
Halford, H.
Hamilton, J.
Hamilton, Lord C.
Hampden, R.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Heathcote, G. J.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hillsborough, Earl of
Hodgson, R.
Hope, hon. C.
Hornby, J.
Howard, P. H.
Howick, Visct.
Inglis, Sir R. H.
Jackson, J. D.
James, W.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, Sir J.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hon. Sir E.
Labouchere, rt. hn. H.
Lascelles. hon. W. S.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Legh, G. C.
Liddell, hon. H. T.
Lincoln, Earl of,
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
M'Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
Marsham, Visct.
Martin, C. W.
Marton, G.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Mordaunt, Sir J.
Mundy, E. M.
Murray, C. R. S.
Murray, A.
Neeld, J.
Newport, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Paget, Lord W.
Pakington, J. S.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Pemberton, T.
Pigot, Sir R.
Planta, rt. hon. J.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Richards, R.
Rose rt. hon. Sir G.
Round, C. G.
Rushbrooke, Col.
Russell, Lord J.
Sanderson, R.
Scarlett, hon. R. C.
Seymour, Lord
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Smith, A.
Smith, rt. hon. R. V.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stanley, hon. W. O.
Stuart, H.
Stock, Mr. Serjt.
Sturt, H. C.
Sutton, hon. H M.
Tennent, J. E.
Thornhill, G.
Tollemache, J.

Tomline, G.
Trench, Sir F. W.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vane, Lord H.
Vere, Sir C. B.
Vivian, hon. Capt.
Welby, G. E.
Williams, T. P.
Wood, Col.
Wood, Col. T.
Wortley, hn. J. S.
Wyndham, Col. C.
Yorke, hon. E.T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

PORT NATAL—THE BOERS.] Colonel *Fox* rose to move

"That an humble Address be presented to her Majesty, that she will be graciously pleased to give directions that there be laid before this House, Copies or Extracts from any recent official information received by her Majesty's Government from the Cape of Good Hope, respecting the present relations of the colony with the Independent Boers who established themselves at Port Natal, together with any information as to the treatment of the Natives of South Africa by the said Boers.

"Also any Instructions that may have been sent to the Governor of the Cape of Good Hope on these subjects, by Her Majesty's Government."

The hon. and gallant Member said, that in moving for these papers, it would not be necessary for him to make any lengthened statement. Many hon. Members were, no doubt, aware, that after the termination of the Caffre war in 1836 great numbers of the Dutch boers, occupying farms in our colony at the Cape of Good Hope, seceded from our Government, in consequence, as they alleged, of their not receiving sufficient protection against the native tribes, with whom, after the manner of their forefathers, they had been pursuing a system of warfare, which, although its particulars had probably been exaggerated, was, no doubt, a warfare of a very cruel character. The boers who then migrated from our territory proceeded to occupy the country about Port Natal, which was to us a very important possession, inasmuch as it was the only harbour for many hundred miles on the eastern coast of Africa. There could be no doubt as to our authority over the country thus occupied, as it had not only been made over to us at a very early period, but had been confirmed to us by treaty in 1814. The Government, with the intention of maintaining this territory, had on two occasions taken measures for the occupation of Port Natal; but, at the present time, he understood that the only force stationed in that part of the country was a small detachment of about 100 men, whose principal duty appeared to be the protection of the aborigines. The points he desired principally to arrive at were—first, whether it was intended to recognize the independence of the boers; and, secondly, whether they would be permitted, as it was stated that they wished, to place themselves under the authority of the Dutch or some other foreign European Government? He thought it desirable, that the House and the country should be informed on these points, and he also thought, that it would be well that the matter should be settled as speedily as possible.

Lord *Stanley* said, the case to which the hon. and gallant Member had called attention presented one of the most singular passages in modern history. It was the case of a class of persons chiefly of Dutch origin, whose number had been variously stated at from 4,000 to 10,000, including women and children, who having for a lengthened period been peaceable subjects of the British dominions, chose, in consequence of some supposed injury or injustice, to migrate from the lands they occupied, to cross a hostile territory, and to declare their hostility to the Government which for a long period they had acknowledged and obeyed. It was in 1837 that this migration took place. The boers had been previously extremely dissatisfied with the abolition of slavery at the Cape, they had objected to the amount of compensation awarded to them, and being, as they were described, a brave and warlike race of people, they were also extremely dissatisfied at not being allowed to carry on a sort of predatory warfare on the boundaries in which they previously had been engaged with the Caffres, and which had occasioned great loss and bloodshed to both parties. Shortly after this warfare was put a stop to the boers raised a complaint of want of protection from native depredation, and soon after, collecting together their cattle and their goods, by an extraordinary effort they penetrated through the Caffre country, settled themselves in Natal, which was nearly 600 miles distant from the British colony, and there declared their entire independence of the British authority. As the hon. and gallant Officer had stated, various military occupations of Port Natal took place, but the forces had in such case been withdrawn, and at the present time there was no absolute occupation. The fact was, that although, as had been correctly assumed, Port Natal was the only harbour on that part of the east coast of the territory of the Cape, it was, nevertheless, by no means a good or commodious harbour, or one that was suited to purposes of commerce; and the territory being so far as 600 miles off, no inducements were offered to found a second colony there, especially as our colonists at the Cape were already unfortunately too widely dispersed. The boers having settled themselves at Port Natal claimed to be recognised as an independent nation, and having seceded from the British, set up a claim to be treated with the rights appertaining to independent sovereignty. Such a pretence it was quite impossible to accede to, and public notice was at once given to the boers that her Majesty's Government would not listen to any such claim, and further, that they intended to protect from molestation all such tribes as might sign amicable treaties with the Cape authorities. By the last accounts, he understood that a force had been placed at a considerable distance entirely from Port Natal, but still on the east side of the Caffre territory, which force would at once protect the Caffres against the boers, and the boers against the Caffres. An occupation of Port Natal had also, he understood, been ordered, but he should here state, that he had no reason to think that there was any prospect of a collision between our forces and the boers. Indeed, serious discords were said to have arisen among the boers themselves, and it was hoped that it would be quite unnecessary to take violent measures, and that in a short time the boers would themselves see that they had been wrong in occupying the Natal territory without licence, and the more so, as they could only hope to be engaged in perpetual warfare with hostile tribes, and that too, in the face of the proclaimed intention of the British Government to protect their native allies from any molestation. The hon. and gallant Officer had asked, whether it was intended to permit the boers to place themselves under the sovereignty of any foreign European power. To this he would reply, certainly not. Looking at the position of our Cape colony, he did not think that the boers could be permitted to enter into an alliance of such a kind with safety to the integrity of our dependencies on that part of the coast. He, therefore, should most distinctly say, that her Majesty's Government would not recognise, would not acknowledge, and would effectually resist, any attempt on the part of the boers to place themselves under a foreign protection. With regard to the papers moved for, he thought it quite fitting that all documents connected with the historical view of the question should be placed before the House, but he trusted the hon. and gallant Officer would agree with him, that after the explanation he had given, it would be inexpedient that any instructions recently sent out, and which, referring to the future rather than to the past, could not yet have been acted on, should be published whilst the acts to which they had reference were necessarily incomplete. He would also take leave to recommend one or two verbal alterations in the motion. He did not think it right or judicious to recognise the independence of the boers, who, in fact, were mere trespassers on our soil, and entitled to no such title. He should, therefore, propose, that the word "independent" be omitted. With this, and some other slight alterations, however, he should have no objection to offer to the motion, which, in its amended form would, he thought, fully answer all the views of the hon. and gallant Mover.

Lord *J. Russell* was sure that his hon. and gallant Friend would have no objection to the alteration proposed by the noble Lord. There were, however, a few circumstances connected with the transactions referred to, which were calculated to afford considerable satisfaction. One of these was, that there did not now exist the constant hostility between the Caffre tribes and our troops and settlers which was formerly the case. This was partly owing to the weakness of the tribes themselves, partly to the influence of the missionaries, and partly to the attacks of the migrated boers. From these circumstances the relations between our people and the Caffres were more friendly last year than they had been previously. Another source of satisfaction was, that the boers themselves, finding their flag refused by the European states, would be more anxious to form amicable connexions with the Cape. Whilst on this subject he wished to ascertain from the noble Lord opposite, whether it was true that the force at the Cape was to be weakened by half a regiment to be sent to India.

Mr. *Hume*, before the question was

answered, wished to learn from the noble Lord whether Port Natal was claimed as English territory before the boers settled there?

Lord *Stanley* was understood to reply in the affirmative, and added, that it was not the intention of Government to admit its occupation by the subjects of other powers. As to the question of the noble Lord, it was the intention to send troops from the Cape to India, but the deficiency would, in some measure, be made up by part of a regiment which had formerly been in St. Helena. It was, however, at present impossible to say what would be the permanent force stationed at the Cape.

Lord *J. Russell:* But for the present?

Lord *Stanley:* For the present it would be, as he had stated, the portion of the regiment from St. Helena.

Mr. *Hume* thought the noble Lord had evaded his question, which was, whether England had claimed Port Natal before its occupation by the boers?

Lord *Stanley* said, it certainly had been claimed by Britain before that occupation, but he could not say whether any settlers from the mother country had gone out before the boers came there.

Colonel *Fox* stated, that the English Government claimed the place by inheritance from the Dutch East India Company, who had purchased it from the Dutch Government.

Colonel Fox's motion withdrawn, and the following motion substituted for it by Lord Stanley, was agreed to.

> "Address for copies or extracts of any official information received by her Majesty's Government in reference to the emigration of the Dutch Boers from the Cape of Good Hope to the neighbourhood of Port Natal, in the year 1837, and to the subsequent relations of those Boers with the colony, and with the native tribes."

NORFOLK CONSTABULARY.] Mr. *Burroughes* in rising to bring forward the motion of which he had given notice, for an

> "Address for copy of a letter from Colonel Oakes, chief constable of the Norfolk Constabulary, to the chairman of Quarter Sessions, dated the 8th day of April 1842, with enclosures,"

said, that he felt it to be his duty to trouble the House with a few observations; and he doubted not that he would be able satisfactorily to explain the charge which had been made against the constabulary force in Norfolk by the hon. Member for Finsbury. The House would recollect the circumstances of the case as stated by the hon. Member. Now, he would not justify the chaining of a man to a stable, but the manger had not been used for a long time except as a place in which to put clean straw, and it was twenty-two feet long, and sixteen feet broad. The nearest lock-up house was much smaller, and any human being would, in the month of May—by-the-by, the only fine month during the whole of last year—prefer the manger to the dungeon. As to there being no lock-up house in the county, it had arisen from a resolution on the part of the county police committee, not to do anything in consequence of the motion of the right hon. the Secretary of State on the subject of the constabulary force. As to the conduct of Superintendent Smith, he wished that the hon. Member for Finsbury could hear the testimony to his conduct and character, which every person joined in giving. The day on which the man was apprehended was Saturday—the market day; and on that day the farmer's houses were particularly exposed to the burglaries of vagrants. On Saturday Mr. Smith apprehended the man, and he very properly took him to the house of the nearest constable, and found that the constable was out. What could he do with him? He conveyed him to the stable, which was in the neighbourhood, and which was a very fitting place. He had chained him, and he confessed that Mr. Smith had been wrong in doing so. The hon. Member for Finsbury had laid great stress on the order, "Feed him at two," and he talked of this as a very great hardship. Now, the man had only been apprehended at half-past eleven, and he was ordered to be fed at two; but he was fed long before that time, for the person who came to his relief had given him food at half-past twelve. He was again fed at two, and several times by passers-by during the course of the afternoon. In fact, the treatment which this man had received put him in mind of the mode in which turkeys were fattened in Norfolk. As to the case of the other man, he had been taken by the policeman to his own house, in consequence of the filthy state in which the lock-up house was; and being very fatigued, the policeman went to bed, and handcuffed the man to the bedpost. The next day was Sunday, and he could not take the man before a magistrate; so on the same night he took him into his own bed, and the man acknowledged he never lived better than on that day. The hon. Gentleman had attacked Mr. Borton, because it was necessary to have a shot at some one; but he could tell the hon. Gentleman, that there was no magistrate in the country more upright and excellent than that rev. gentleman. He had been a magistrate for twenty years, and employed in various high magisterial functions in the country. The hon. Member then read extracts from several entries in the lunatic asylum books, Mr. Borton being one of the visiting justices, to show the state of excellence in which that institution was maintained. He had also filled every post of honour in the college to which he belonged in the University of Cambridge; and it was only on finding that there was no other magistrate in the district that he consented to have his name put on the commission of the peace. With respect to Colonel Okes, nothing could exceed his desire for all the facts of the case being made public; and he therefore moved for this additional correspondence.

Mr. *T. Duncombe* knew something of the merits of a Norfolk capon, but until then he did not know the exact value of a Norfolk magistrate. The right hon. Baronet had often complained of Members on the Opposition side, obstructing, by their motions, that most popular measure of his, the Income-tax. He hoped the right hon. Baronet would make no more such complaints, when he found himself thus obstructed, by one of his own Friends, in order, that he might listen to a eulogy pronounced upon the great merits of sub-constable Smith. The hon. Member was commissioned by the right hon. Baronet to inquire into this case, and they found that during the recess, the hon. Member had gone to see the stable in which the vagrant had been confined by Smith. He hoped the hon. Member did not venture into the stable with sub-constable Smith. The hon. Member could not tell what the vagrant had suffered, unless, like him, he had been chained short to the manger. The hon. Member had said, he had over-coloured his statement. In what respect? He asserted he had rather under-coloured than over-coloured it. What was the case? Smith was going from Yarmouth to Norwich, when he met the unfortunate man on the road. Smith jumped off his horse. He asked the man where he was going? He said, to Norwich. Smith asked him what he had about him? The other replied, he had no right to inquire. On this, Smith searched the man, and found on him a few religious tracts. He asked him what he was going to do with those religious tracts? He replied, to try and sell them. Smith then demanded his licence. The man confessed he had none. On this, Smith brought the man to the stable, and lashed him to the manger, between eleven and twelve in the day. He desired the constable's wife, to bring him food, and it was not until between seven and eight in the evening, the constable returned. The same policeman also confessed, that he was in the habit of chaining prisoners to the manger, if he thought it necessary, and that he had chained a prisoner to a bedpost to prevent his escape, and that he had once taken a prisoner to bed with him, and handcuffed him to himself to prevent his escape. These circumstances were reported to the Secretary of State for the Home Department; and what did the magistrates state? They said, that there was no just cause of complaint, in this instance, against superintendent Smith. This decision of the magistrates was signed by the Rev. J. D. Borton, as chairman of the committee. He, however, found, that the right hon. Baronet took the same view of the matter as himself. He was not aware, until about an hour ago, that the hon. Member for East Norfolk was about to contradict any part of the statement which he had made to the House a few weeks ago. It appeared, that the hon. Member acted with the Rev. Mr. Borton, in expressing approbation of the policeman's conduct, but what did the right hon. Baronet, the Secretary for the Home Department say, after the investigation which the magistrates had made into the conduct of the policeman? From the language of the authorities of the Home Office, the magistrates of Norfolk would be able to learn whether or not this sort of conduct was sanctioned by the Government. He found, in the papers laid before the House, that Mr. Phillips made the following communication from the Secretary of the Home Office to Colonel Oakes, the chief constable of Norfolk, on this subject:—

"*Whitehall, December* 10, 1841.

Sir, I am directed by Secretary Sir James Graham to inform you that he has carefully considered your report, and the documents which accompanied it, relative to the complaint made by Mr. Palmer, of the improper treatment of prisoners by the Norfolk constabulary. Sir James Graham is of opinion that the superintendent ought not to have chained his prisoner, and left him chained to a manger in a stable, nor was the constable justified in chaining a prisoner to a bedpost; and Sir James Graham requests that you will give strict orders to the constables of your force to prevent the recurrence of such a practice."

The magistrates in their report, said that there was no just cause of complaint in this instance against the policeman, superintendent Smith. Sir J. Graham, however, was of opinion that the policeman should not pursue such conduct as chaining prisoners to mangers or bedposts, and that they would not be justified in such proceedings, and he gave something like general orders notwithstanding the opinion of the magistrates of Norfolk—of whom the hon. Gentleman was one—that such a proceeding was justifiable, that nothing of the kind should take place again. This he thought was a complete answer to the case which the hon. Member wished to make out in defence of the proceedings which had taken place.

The motion was then agreed to.

PUBLIC BUSINESS.] Lord *J. Russell* wished to know whether, at that late hour the right hon. Baronet would bring forward his motion as to the precedence of orders of the day to notices of motion on Tuesdays.

Sir *R. Peel* was anxious to obtain the opinion of the House on the subject, but he would not press the matter to a conclusion, unless there was something like a general consent on both sides. The noble Lord must be fully aware that a similar course had been proposed on former occasions in cases of emergency. On the present occasion the notice of motion which he had given, had been suggested to him by Gentlemen opposite last night, as they were anxious to proceed with the Income-tax, so that the tariff might be taken into consideration. He would not, however, persist in his motion if it did not receive a general assent, as it might interfere with the general course of business. He should be glad to hear the opinion of the noble Lord on the subject, not only individually but as the organ of a great party in that House, as he must be fully aware that at that season of the year it was a matter of great importance to come to a decision on the great questions before it with as little delay as possible. At the same time he admitted that under ordinary circumstances it was inexpedient to depart from the established course of proceedings in that House; but he was desirous of having the decided opinion of the noble Lord on the subject. If the motion was seriously and strenuously objected to, he would not persist in it.

Lord *J. Russell* did not think that it would be advisable to press the motion at present, unless it met with the general assent of the House, but at any rate he should not be prepared that night to give an opinion on the subject. He would recommend the right hon. Baronet to renew the subject early on the next general night, and in the mean time he should have an opportunity of conversing with other Members on the subject, and should then be prepared to give an opinion.

Sir *R. Peel* did not intend to persist in his notice of motion that night. If the noble Lord wished to have the opinion of the House when it was fuller than it was at present, he would postpone the matter until Thursday at 5 o'clock.

Mr. *T. Duncombe* wished to know whether it were to be understood whether or not the adoption of the proposition of the right hon. Baronet would interfere with existing notices of motions for Tuesdays.

Sir *R. Peel* replied, that his motion distinctly applied to all Tuesdays after the next fortnight, on which nights of course, no notice of motions existed.

Mr. *Redington* should object to any proposition of the kind. As Chairman of the Sudbury election committee, he had been instructed to bring in a bill to disfranchise that borough, but if there was only one day in the week allowed for motions he feared that he should have to postpone it until an indefinite period. He had intended to bring forward his motion on the 5th of May, but he found a notice on the orders which would take precedence of his own, which would probably take up the whole of the evening.

PENTONVILLE PRISON.] Sir *J. Graham* would not detain the House in rising to move for leave to bring in a bill, to carry into effect a recommendation contained in the report of a commission issued from the Home-office, when the noble Lord the Member for the City of London was at the head of it, on the subject of prison discipline. The object of the recommendation was the formation of a model prison. The House was aware that that prison had been in the course of erection for some time, and that it would be ready for the reception of prisoners in the course of July next, but it was requisite before it was occupied that an act of Parliament should be passed, enacting the regulations under which it was to be governed. By the bill which he proposed it was intended that there should not be less than seven, or more than sixteen commissioners, and that they should be empowered to make rules for the regulation of the prison, and that they also should appoint the subordinate officers of it. It also enacted that they should lay an annual report before Parliament, stating the rules which they had adopted, and also the effects which the system of discipline had had on the persons confined in the prison. He might add that the works for this prison which had been estimated at 90,000*l.*, had cost less than that sum, and that it would contain the means of confinement for 510 prisoners. The right hon. Baronet concluded with moving for leave to bring in a bill for the regulation of the Pentonville prison.

Motion agreed to. Bill read a first time.

PARISH CONSTABLES.] Sir *J. Graham* then rose to move for leave to bring in a bill for the appointment and payment of parish constables. He would very shortly state the object of the bill. In the first place, he did not by his measure intend to interfere with the rural constabulary force. The object of the measure was to allow the magistrates of each county or petty sessions to hold annually a court for the appointment of parish constables. He proposed that this should take place on the ratepayers consenting to defray the salary of the constable so appointed for the parish or district. The constable so appointed was to be placed under the control of the superintendent of the rural police for the county. He did not propose to make the act compulsory in the first instance, but that it should be left to the rate-payers to adopt it or not, as the Highway Bill. The right hon. Baronet concluded by making his motion.

Leave given.

Bill brought in and read a first time.

The House adjourned.

HOUSE OF LORDS,

Thursday, April 28, 1842.

MINUTES.] BILLS. *Public.*—1ª· Copyright.

Private.—1ª· Buckland Inclosure; Sheffield, Ashton-under-Lyne, and Manchester Railway; Huish Champflower Inclosure; Glasgow and Redburn Bridge Road; Saundersfoot Harbour.

2ª· Cottenham Drainage; Bates's Naturalization.

Reported.—Birmingham and Derby Junction Railway; Castlerigg and Derwentwater Inclosure; Severn Navigation.

3ª· and passed:—St. Austell Market; Birmingham and Liverpool Junction Canal.

PETITIONS PRESENTED. By Lord Campbell, from Forfar, Greenlay, Ayton, Arbroath, and other places, for Repeal of the Corn and Provision Laws; from Rathfriland, and Magilligan, for an Alteration in the Law respecting Marriages by Presbyterian Clergymen.

HOUSE OF COMMONS,

Thursday, April 28, 1842.

MINUTES.] BILLS. *Public.*—2°· Exchequer Bills; Law of Merchants Act Amendment.

Reported.—Civil Bill Decrees (Ireland).

3° and passed:—Timber Ships; Soap Duties Drawback.

Private.—2°· Wicklow Harbour; North American Colonial Association of Ireland.

Reported.—Yarmouth and Norwich Railway; Northern Coal Mining Company; Great North of England (Clarence and Hartlepool Junction) Railway; New Cross Roads; Warwick and Leamington Union Railway; Granton Pier; Kirkintulloch Roads; Dublin Police (No. 1).

3°· and passed:—Buckland Inclosure; London and Blackwall Railway; Glasgow and Redburn Bridge Road; Great Torrington Market; Huish Champflower Inclosure; Sheffield, Ashton-under-Lyne, and Manchester Railway.

PETITIONS PRESENTED. By Mr. Muntz, from Tanners, etc. of Birmingham, Youghall, Norwich, and Oldham, against the Reduction of the Duty on Foreign Leather.—By Major Vivian, from Bodmin, and Kidington, against the Importation of Foreign Cattle.—By Mr. Blewitt, from the Ropemakers of London, against the proposed Alterations in the Tariff affecting their Trade.—By Mr. Greene, Mr. S. Wortley, Mr. W. Miles, and Captain Pechell, from Attorneys and Solicitors in Lancaster, the West Riding of Yorkshire, Somersetshire, Brighton, and other places, for the Repeal of the Duty on their Certificates.—By Mr. Shaw, from Down, Antrim, Fethard, Kinsale, Connor, Newtonards, and other places, for Aid in the Erection of Schools in connexion with the Church Education Society.—By Mr. Plumptre, from Tadcaster, Sandwich, St. Alban's, and other places, against any further Grant to Maynooth College.—By Mr. Neeld, from Cricklade, Bath, and other places, for the Better Observance of the Sabbath.—By Colonel Acton, from Newtonards, Kinsale, and other places, against the present system of National Education (Ireland).—By Mr. Brotherton, from Salford, for the Alteration of the Poor-law.—By Sir R. H. Inglis, from Kingston, Gloucestershire, for the Repeal or Amendment of the Tithe Commutation Act.—By Mr. Christopher, from Port Phillip, for a Local Government independent of the Government of New South Wales, and for a Representative Legislature.—From Swymerton, Hutton, Henry, and other places, that Roman Catholics may be placed on the same footing as other Sects in point of Civil Rights.—From Bridgenorth, against the Property Tax.—From Parish Clerks, for Protection of their Rights and Privileges.—From Mr. Philips, for Repeal of the Corn-laws.—From St. Mary's, Whitechapel, for the Prevention of Burials in Populous Towns.—From J. Templar, for an Equal Imposition of Legacy and Probate Duties.—From London, against Reduction of Duty on Rope and Cordage.—From Tiverton, in favour of Commercial Reforms.—From Beverley, for Exempting Mechanics Institutions from Rates and Taxes.—From Bradford, for the Establishment of Home Colonies.

SOUTHAMPTON ELECTION COMMITTEE—MR. MABSON.] Mr. *Redington* reported from the Select Committee appointed to try and determine the matter of the petitions complaining, of an undue Election and Return for the Borough of Southampton—

> "That William Rouse Mabson had disobeyed the summons contained in Mr. Speaker's warrant, and that he, by warrant under his hand, committed the said William Rouse Mabson to the custody of the Sergeant-at-Arms, to await the pleasure of the House."

The hon. Gentleman having laid the report upon the Table, expressed his regret at being again obliged to appeal to the House on the part of the Southampton Election Committee. He feared, that it might appear to some of the Members of the House, that the committee were pursuing their inquiry with too minute an attention to matters of secondary importance. But, in this instance, William Rous Mabson having been ordered by the Speaker's warrant to produce documents which were considered material for the information of the committee, had not only not produced those documents, but had refused to assign any adequate reason for not producing them. As Chairman of the committee, therefore, he had no other course left open to him, than to appeal to the House to enforce the Speaker's warrant. With that view, he begged to move—

> "That William Rouse Mabson, be, for his said offence, committed to her Majesty's gaol of Newgate."

Mr. *Buck,* as one of the Members of the committee who dissented from the decision to which the majority had come, begged to enter his protest against the motion now proposed by the Chairman.

Mr. *Godson* had been informed by the Speaker the other evening, that no portion of the evidence taken before a committee could be referred to in that House until the report of the committee had been received. He thought, however, that he should not be out of order, if he mentioned the kind of documents respecting which the summons of the Speaker was supposed to have been disobeyed.

The *Speaker :* The hon. and learned Gentleman is not entitled to allude to any evidence or document produced before the committee, until that evidence or that document has been printed by order of the House.

Mr. *Godson* begged, then, to call the attention of the House to the situation in which the committee stood. The committee, by a majority of five to four decided—[Order.]

The *Speaker :* The decisions of the committee not yet reported, cannot be referred to without irregularity.

Mr. *Godson* would content himself, then, by simply declaring, that he should meet the proposition submitted to the House by the Chairman of the committee (Mr. Redington) by a direct negative ; and this much he conceived himself entitled to add, that in his opinion, the documents in question were of no value, and that if they were, the excuse for not producing them, was as good and valid as a man could possibly give.

The *Solicitor-General* understood the report from the committee to be, that the witness had refused to obey a warrant served upon him by order of the Speaker ; not that he had been guilty of prevarication or evasion, or of refusing to answer the questions of the committee, but that he had disobeyed the Speaker's warrant requiring him to produce certain documents. For this disobedience he had been committed to the custody of the Sergeant-at-Arms. This being the case, he thought it essential, before the House entertained the motion submitted by the Chairman of the committee, that it should see the warrant know what its requirements were, and ascertain when it was served upon the witness. For this purpose, he would suggest, that the witness should be called to the Bar. The House must bear in mind that the offence for which this witness was committed to the custody of the Sergeant-at-Arms was very different from that which was brought under its notice a few evenings since. In the former case, the offence was against the committee, and the committee only. In the present instance the contempt (being a refusal to obey the warrant issued by the Speaker) was a contempt against the House itself. It was, therefore, incumbent upon the House to inquire into the circumstances under which the alleged act of disobedience had taken place. He would therefore, suggest to the hon. Mover that, in lieu of the motion now before the House, he should substitute a motion to the effect that the witness should be called to the Bar of the House for the purpose of being interrogated.

Mr. *Redington* had submitted his motion, not from any wish to deal harshly with the witness, but solely because he believed it to be most in accordance with the forms of the House. If that were not the case, he should be perfectly willing to withdraw it, and to adopt that suggested by the hon. and learned Gentleman.

Motion withdrawn.

Mr. *Redington* then moved, first

"That the clerk attending the Southampton election committee, do produce Mr. Speaker's warrant; for the attendance of William Rous Mabson."

Motion agreed to.

The clerk of committees appeared at the Bar, and in reply to an interrogatory from the Speaker, stated that he held in his hand a copy of the warrant served upon William Rous Mabson. Having delivered it in, he was ordered to withdraw.

Warrant read.

It required Mabson to produce before the committee all notes, letters, accounts of cash, &c., connected with the last election for the town and county of Southampton, that might be in his custody, possession, or power; also all receipts for money, books containing accounts of the payment of monies, memorandums, documents, and papers whatsoever relating to the said election.

Mr. *Redington* moved, that William Rous Mabson be brought to the Bar.

The *Solicitor-General* expressed a doubt as to the regularity of the summons. It was dated the 10th of September, 1841. Was it regular that a summons served in one Session should have effect in another Session.

Sir *G. Grey* observed, that if this objection were to prevail, it would relieve the House from the trouble of trying any more election petitions during the present Session; for, with the single exception of the Dublin petition, all the petitions complaining of undue returns of Members to serve in Parliament were presented in the short Session of last autumn, and the Speaker's warrants were issued at that time.

The *Solicitor-General* had been misunderstood by the right hon. Baronet. Of course, the House could not proceed to imprison the witness unless the warrant had been regularly served. He was not aware whether this warrant were regular or not; and, being apparently irregular, he thought the right course was to ask the Speaker whether it were regular or not. He wished to know whether a warrant issued in one Session was to be held good for another Session.

The *Speaker* stated that his opinion had been drawn to the point towards the close of the last Session, and he then took an opportunity—the case being quite a new one—to take the best advice he could obtain upon it. He accordingly consulted with the law officer appointed by the House to assist the Speaker, and that officer assured him that the warrants were regular. Upon that assurance he had acted.

Motion agreed to.

William Rous Mabson brought to the Bar in custody of the Sergeant-at-Arms accordingly. He was thus interrogated:—

The *Speaker*: Do you remember on the 13th day of September last receiving a warrant from the Speaker of this House, requiring your attendance before the committee appointed to try the Southampton petition, and by which you were required to produce before that committee all books, documents, writings, printed papers, bills, receipts, and orders for the payment of money in your possession referring to the last Southampton election?—I do.

"When were those documents last in your possession?—I can't say exactly, but I think within the last three months.

"Have you brought them before the committee?—I have not."

Mr. *Thesiger*: "Why have you not?—Because I incautiously sent them to the chairman of the election committee, and it appears that he does not acknowledge the receipt of them.

"Who was the chairman? What was his name?—Captain Ward."

Sir *G. Grey*: "How long after you received the Speaker's warrant did you send these papers to Captain Ward?—Three or four months after the 13th of September.

"What made you part with them, after you had received the Speaker's warrant?—I did it incautiously, and lost sight of the Speaker's warrant altogether.

"Did you apply personally, or by letter, to Captain Ward, to enable you to comply with the Speaker's warrant?—No; I made no application of the kind.

"Then what makes you state, that Captain Ward does not acknowledge the receipt of the papers?—I have been told by a friend from Southampton to-day, that Captain Ward says, he knows nothing about them."

An hon. *Member*: "By whom did you send the papers to Captain Ward?—I sent a messenger with them, but I don't recollect his name."

Mr. *C. Buller*: What documents did you send?—A check-book, and two or three little bills which I paid on account of the election.

"Did you send them by Captain Ward's desire?—No; it was my own idea."

The *Attorney-General*: "How came you possessed of the papers?—I was authorised to pay some bills, and after I had paid them, they laid about in my possession for some time; but having understood that all the rest of the papers were sent to Captain Ward, I sent him these also.

"Who directed you to pay these bills?—The bills were paid by direction of the Conservative Association.

"Had Captain Ward anything to do with it?—No.

"This was on the 13th of September; have you since that day had any particular note or memorandum of the documents necessary to be produced before the committee?—Not since.

"You were called before the committee the other day; had you any intimation of the particular documents you were to bring?—Not the least.

"Had you any opportunity of inquiring what documents would be necessary?—None.

"Is the House to understand, that since the 13th of September no person has given you any information as to what papers you were to bring with you?—Not the slightest.

"When the papers were asked for before the committee, was that the first intimation you had, that you were to produce them?—It was."

Mr. *O'Connell:* "Have you given up all the papers, that were in your possession?—Yes.

"Then a memorandum specifying what particular papers you were to produce, would be perfectly useless?—Yes."

Mr. *Godson:* "In the margin of the check-book you mention, was there anything more than the date, sum, and name of the person to whom it was paid?—Nothing more.

"Are you sure, that nothing more than the date of the sum of money, and the name A.B. which would be in the body, appeared in the counterfoil?—I am certain of it."

Mr. *Hutt:* "Did the counterfoil correspond with the body of the check?—Precisely."

Mr. *Thesiger:* "What notice did you receive to attend the committee?—I received a notice on Monday night, from Mr. Sharp, the solicitor, of Southampton, quite suddenly; I was in London at the time."

Mr. *Jackson:* "If you were at home, when you received the notice, do you think you would have recollected those papers?—I am certain I should."

Mr. *O'Connell:* "Can you procure these documents?—I cannot say.

"Do you say, that you cannot?—I don't know.

"Then you may?—I may, possibly."

Mr. *Buck:* "You say you sent the papers to Captain Ward?—Yes.

"Is he to be examined before the committee to-morrow?—I don't know."

Mr. *C. Wood:* "By whom did you send these documents to Captain Ward?—I gave them to some of my people.

"To which of them?—I cannot swear to which of them.

"Where?—In my own shop; I have some fifteen or sixteen people in my employment.

"Are the same people in your employment now?—No; not all of them.

"Can you ascertain the names of the people?—I might do so, by inquiry."

Mr. *Watson:* "Have you never spoken to Captain Ward on the subject of those papers?—Never."

Mr. Sergeant *Jackson:* "You were not required by the Speaker's warrant at the time to produce those papers?—I was not; if I had been, I should not have been so incautious as to have given them away.

"What was the amount of the bills in your possession?—I should think about 15*l.* or 16*l.*"

Sir *G. Grey:* "What is the whole amount of the money which was paid on the checks cut out of the check-book, the counterfoils of which remained in your possession?—I think something like 3,000*l.*"

Mr. *Watson:* "To whom were those checks paid?"

Mr. *Thesiger* thought, that this was not a proper course of examination. They were not now inquiring as to the nature of the papers, but whether the witness had been guilty of contempt in not producing them.

Mr. *Watson:* They had been told, that the check-book was of no importance, and he had put his question merely to elucidate that point.

Mr. *Godson* said, that what he had stated was, that the check-book was a mere counterfoil, and of no value.

Witness ordered to withdraw.

Mr. *C. Wood* recommended the learned Gentleman to withdraw his question. He agreed with the hon. Member for Woodstock (Mr. Thesiger) that they were going into an inquiry altogether irrelevant. The learned Gentleman, the Solicitor-general for Ireland, had asked a question as to the amount of the sums paid, the answer to which was loudly cheered by Gentlemen opposite, and his hon. Friend, the Member for Devonport, had asked a question as to the amount paid by means of checks, as appearing from the counterfoils, and the answer to the latter question showed that a very considerable amount had been paid in that manner. But all these points ought to be left to the committee, which possessed, except the power of committing for contempt, all the powers of a judicial tribunal. The better course now to pursue, would be to discharge the witness under the Speaker's warrant, and to leave to the committee the further investigation of the matter.

The *Attorney-General* said, that before they set aside the warrant, they ought to be satisfied, that it was irregular, and before they resolved on committing any person to Newgate, they ought to be satisfied, that the warrant was regular. He, for one, considered, that there had not been such a state of facts laid before the House, as ought to induce them to send the witness to Newgate. It appeared, that he had been served with a warrant from the Speaker, dated the 10th of September, requiring him to bring in his custody all letters and accounts of cash relating to the late election, and all receipts for money, and all other documents and papers whatsoever relating to the said election, and therewith to appear before the said select committee at such time or times as shall be notified to him by the parties signing the said petition, or their agents. Now, according to the statement of the witness, he had received that warrant in the month of September, and until he came before the committee he had received no intimation as to what were the particular papers which he was called on to produce. This was not the usual course of proceeding in reference to the administration of justice. A man who was subpœnaed to attend a court of justice, and to bring with him a variety of documents, had, according to ordinary courtesy, an intimation given to him of the documents he was required to bring some time before he was called on to attend, and he thought that this witness, before the parties applied to the committee to report his conduct to the House, ought to have been informed some short time before, that he would be required to produce such papers. By the warrant he was called on to produce these papers, at such time as he should receive a notice from the parties signing the petition, or their agent. Unless he received some such intimation, he could not be described as having been guilty of a contempt. Now, he had never been required to produce them at all. [" Oh, oh."] The witness had been required to attend himself, but he had not been required to produce any specific documents. [" Oh, oh"] He heard the noise made on the other side, but he appealed to their judgment, he appealed to the candid consideration of the House, whether he had ever so addressed the House on a legal subject as to induce them to believe that he had ever given any but what he conceived to be a just and proper legal opinion? Whether he had not always boldly stated that opinion, or whether he had ever shrunk from stating anything that he believed to be true from any motives whatsoever; and he asked hon. Gentlemen who were then dealing with him fairly to hear, and judge for themselves whether this witness had been guilty of any contempt, when the Speaker's warrant only required him to appear with the papers and documents at such time or times as shall be notified to him by the parties petitioning or their agents, neither the parties nor their agents having called on the witness to produce any documents at all. For these reasons, he could not agree to the motion of the hon. Gentleman opposite (Mr. Redington), but thought the course suggested by the hon. Member for Halifax the one best suited for the occasion. The witness said, that he had sent the papers to Mr. Ward. Had that gentleman been brought before the committee? Where was the use of sending the witness to Newgate, if Mr. Ward was yet to be examined before the committee? It would be much better in the first place, to endeavour to trace the papers, and then deal with the witness as they might afterwards see fit.

Mr. *Redington* should be sorry to do anything which would appear harsh, but the committee had acted in this matter to the best of their judgment. It appeared to them that the warrant ought to be obeyed, no matter what might be the courtesy observed in other courts. Counsel had shown that those documents were material: the witness had stated that he had given them to another party, whose name he could not recollect, and the committee felt that justice to the parties concerned would not be done unless those papers were produced, and that they were bound to see the authority of the Speaker's warrant obeyed. In what position were they now placed? There was an order that this individual should produce those papers. At the time that order was served he was in possession of the papers. Were they to release him from all responsibility, merely because he told them that he sent the papers to Mr. Ward by a person whose name he did not recollect? That evening a summons had been sent to Mr. Ward; but they had no reason to believe that Mr. Ward knew anything about these documents. Would they allow these papers to escape their search without taking what steps they could to prevent such a disregard of their authority? He regretted that the question had been again raised after the decision of the committee. As Chairman, he should have considered himself guilty of a neglect of duty if he had not brought the case before the House. He thought it would be a dangerous precedent to discharge a man who had been guilty of such conduct; and he would therefore move, that the prisoner, William Rous Mabson, be committed to the custody of the Sergeant-at-Arms attending the House, and that the Sergeant do take the said William Rous Mabson to the Southampton election committee as often as he shall be required.

Mr. *C. Buller* seconded the motion. This was a very grave question, and one that involved the honour of the House. His opinion was, that the wisest course was for the House to interfere as little as possible in support of the authority of the election committees, and that the best safeguard they could throw over the administration of justice in those committees was to take their report as final. Although he differed in some respects from the learned Attorney-general, it seemed to him very unwise, when the committee reported to the House that a person had been guilty of disobedience to the warrant of the Speaker, that the House should enter into the kind of inquiry with which the House had been edified that evening. The offence of the witness was of a very grave nature; and if the House overlooked its jurisdiction, and the jurisdiction of its committees, its authority would be utterly trampled upon and set at defiance. A certain quibble had been raised that the Speaker's warrant was applicable only to the last Session of Parliament; he trusted that objection would be dropped, and that no one would put it into the heads of any of the witnesses that the Speaker's warrant was not now binding upon them. It would appear from the evidence of the man that he did not know the missing papers were amongst those required to be produced by him. He stated, that having received orders to produce a variety of papers, he gave all that related to the Southampton election to a third person, through the medium of a shopboy, and that from that person, who happened to be Captain Ward, who was chairman of the committee at Southampton for conducting the election of the sitting Member, the witness declared he had received no acknowledgment of the receipt of those papers. Now, upon the face of this statement, there was nothing to induce him to believe it. He did not go so far as to say that he must disbelieve it, but he really could not believe it. As far as he was able to ascertain the facts of the case, it appeared that Captain Ward, the only other person named by the witness, denied having received the papers. Captain Ward was known to be a respectable man, and certainly his denial was worthy of consideration. The House would sacrifice its own honour if it totally overlooked the conduct of this man. He did not wish to have the man committed to Newgate, or to punish him severely, but to let such a person go away with an impression that he was one against whom the House would take no further proceedings would be highly derogatory to its honour. He should, therefore, second the motion of his hon. Friend, and with this particular object in view, namely, that the prisoner should remain in custody of the Sergeant-at-Arms until the committee had time to examine Captain Ward, and any other necessary witnesses, in order that they might ascertain whether the story told by the prisoner was true, or whether he had not purposely and flagrantly acted in defiance of the orders of the House, and put the papers out of the reach of the committee, in order to prevent them from getting at the truth.

Mr. *H. Hinde* said, he rose to make a few observations upon this subject, but he would take care to go as near the facts of the case as he could without contravening the order of the House. His hon. Friend had said that he had no reason to suppose that the witness at the Bar had acted under any mistake or misapprehension of what he was called upon to do by the Speaker's warrant. Now, there was not the slightest evidence that the check-book was in his possession, at the time the Speaker's warrant was served upon him; and there was no reason for believing that the statement of the witness was not a *bona fide* statement, because, if he had chosen to tell a falsehood to screen himself from any imagined mischief, he might have done so with more safety to himself by denying all knowledge of the check-book, or that it ever had been in his possession. He hoped the House would not sanction the detention of the man in the custody of the Sergeant-at-Arms. If the committee upon examining Captain Ward should have reason to think that the statement of the witness was not *bona fide*, they might call upon the House to deal with him. He should, therefore, move, and he hoped the House would concur with him, that this debate be postponed to that day week.

Mr. *Jervis* said, it was quite true that during a short interval the prisoner might send to Southampton and make those inquiries which would tend to set himself right, but the orders and authority of the House ought to be enforced and maintained. It had been laid down by the right hon. Speaker that no statement of the proceedings of the committee could be received from any hon. Member of it until its business had terminated and its report was made, but that they could hear what evidence the witness at the Bar of the House might have to offer. True; but how were they to know that the evidence he gave at their Bar might not be contradicted by other evidence taken before the committee? If they acted upon his evidence then they would be in danger of acting inconsistently and of violating the rules of justice. They were bound to place implicit confidence in their committees, who were guarded by the authority of the House and by their oaths, and the House ought not to act until all the evidence collected by a committee, with its report, was duly laid before them. It appeared that the witness had at least been guilty of great disrespect towards the House; for why did he keep the papers three months after the election, and send them away after he had received the Speaker's warrant to produce them?

Mr. Sergeant *Jackson* could not concur in the amendment proposed by his hon. Friend near him (Mr. H. Hinde) for the adjournment of the debate. He thought the House ought now to decide on the matter, because the question was fully before them. The question was whether this person should be committed to the custody of the Sergeant-at-Arms or not? He thought that there were no grounds apparent to the House that this individual had been guilty of contempt. If there were any grounds to show that the witness had been guilty of contempt, no one would be more ready to punish him than he (Mr. Sergeant Jackson) would. But he did not think that it appeared he had acted in contempt. He would take for granted that the warrant served on him was a valid warrant. But what was the tenor of that warrant? It required the witness to produce an indefinite number of documents at such time and place as he should be required to produce them by the party, or their agents, by whom he had been summoned. He believed that the statement which this man had made to the House was *bona fide*. He had stated that he had been served with the Speaker's warrant in the month of September last, seven months ago. He had not any recollection of the tenor of the documents he was required to produce, and he said that he would not have parted with the documents if at the time he had recollected that he would be required to produce them. He was of opinion that all the facts of the case made it quite clear that this individual had not been guilty of contempt. He thought, therefore, that this individual ought not to be punished, and he would therefore vote against the motion of the hon. Member for Dundalk.

Mr. *Labouchere* feared, that if the House followed the course which had been recommended by the hon. Gentleman opposite, the authority of election committees would be weakened in such a way that it would be vain to expect from them that they could hereafter prosecute their inquiries so as to produce any advantage to the public, or give satisfaction to the House. All that the House was called upon to do at present was this,—the committee having reported their opinion of the misconduct of the witness to the House, they were asked, not to discuss it, but to take some notice of it. He thought the course proposed by the hon. Chairman of the committee was that which the House was bound to follow. For could any Gentleman who had listened to the statements which the witness had made at the Bar deny that the gravest suspicions attached to them? Having been served with the Speaker's warrant to produce certain papers which he had kept for several months in his possession, and which he retained some time afterwards, he then gave them up to some other person, forgetting, as he declared, that the Speaker's warrant had any reference to those papers. The witness asked the House to believe that he forgot that. Was it likely that a person taking an active part in an election would not narrowly inspect and perfectly understand the nature of a Speaker's warrant? But to whom did he send the papers? To Captain Ward, the chairman of the committee for conducting the election of the sitting members, a respectable gentleman, no doubt; but one who from his position would naturally desire to suppress any evidence affecting the seats of the sitting Members. He thought that it was of the utmost importance that the authority of the committees appointed by the House to try the merits of election petitions should be supported.

The *Solicitor-General* said, that the proceedings which had that night taken place were amply sufficient to satisfy him as to the justice of his opinion, that questions of this kind would be more properly decided by the examination of witnesses before the election committee, and that that House was not the proper place for the enquiry. The hon. Members for Liskeard and Chester were mistaken if they thought he had altered his opinion that the object of his right hon. Friend's bill was to withdraw everything of this kind, connected with election business, from the House, and leave it to the committee. In regard to the present question, on looking over the precedents supplied by the journals of the House, he thought the course was, that as the committee, in its report, had accused the witness, not of contempt of the committee, but of what is considered to be contempt of the House, the party should be brought to the Bar, and examined on the question whether he had received the Speaker's warrant, and why he had disobeyed it? Notwithstanding the remark of the hon. and learned Member for Liskeard, he considered himself quite justified in the observations he had made as to the form of the warrant. The motion of the hon. Gentleman, the chairman of the committee, was, he believed, that this person be forthwith committed to Newgate. Now, without entering further at present into the question of the legality of the warrant, he would suppose that this person were committed by the Speaker's warrant, and then discharged by the Judges of the Queen's Bench, there would be another dispute between the House and the Courts of Law. Now he felt that, before the House proceeded to commit the party to Newgate, they should be satisfied that he had disobeyed a legal warrant. If the warrant were issued in one Session, and they committed him in another for not obeying it, he must say that a question arose as to its legality. The course which he had already taken ought, he thought, to vindicate him from the charge of wishing to shield the individual if he were guilty. The question could be examined before a select committee, and if it appeared that, after receiving the Speaker's warrant, the witness designedly kept back the documents, he should be committed to custody. He was not disposed to oppose the present motion of the hon. Member opposite, for if the committee came to the conclusion that the party had designedly kept the papers back, he ought to be kept in custody until inquiry were made whether he was really guilty of the contempt imputed to him. He could not therefore support the motion of his hon. Friend for the adjournment of the debate. He should not oppose the motion of the hon. Member (Mr. Redington) opposite, and he took this course under the distinct understanding that the motion was not to commit the party to Newgate, for if that were the case he should have opposed it until clearly satisfied that the warrant was a legal one, and he thought that if any doubt existed as to the legality of the warrant, the best course would be to get a fresh summons and a fresh warrant.

Mr. *C. Wood* said, there was no doubt but that the witness had not acted properly in the matter. A strong case certainly of suspicion was made out against him, sufficient to justify the committee in retaining him in custody, but not sufficient to warrant his committal to Newgate. He thought that the course proposed would meet the justice of the case.

Sir *R. Peel* said, that he must confess it was always with regret, that he saw there should exist any necessity for an appeal to the House of Commons in a matter of that kind; but as the committee had thought proper to make an appeal, as the appeal was now made to them, it was the duty of each Member of that House to decide upon the matter on purely judicial considerations. The question involved the personal liberty of the subject. In the first place, they must ask whether the summons were valid; and secondly, whether the committee had acted in conformity with law. It was clear that when the Speaker issued his warrant it was his opinion that it was a legal document. The report stated that the witness disobeyed that summons. He must infer that the witness wilfully disobeyed that summons, thereby defeating the ends of justice. Under these circumstances, the committee decided upon summoning the witness to the Bar of that House; and it was their duty, dismissing from their minds all that had taken place before the committee, to form their judgment from what took place during the examination of the witness that day at the Bar. He must say, that the evidence of the witness had been unsatisfactory. It appeared that he had kept in his possession the papers for a period of three or four months, until the period fixed for the commencement of the Session of Parliament. At that period, he received the summons of the Speaker, requiring him to attend the committee with papers and documents. It was then that the witness, after having the summons in his possession, thought proper to send them to another party—to a gentleman of great respectability, who had no recollection of having received them. The witness certainly said that Captain Ward did not remember the circumstance. The impression on his mind was, that Captain Ward would not now admit that he had received the documents. He would not at present, impute anything like guilt to the witness; but under the circumstances of the case, he thought they were justified in retaining him until the matter had been thoroughly examined into. This was the proper course to pursue. But, at the same time, he did think, after the opinion stated by his hon. and learned Friend, it would not be advisable to commit the witness to Newgate. The House must recollect that if the witness were committed and he applied for a writ of *habeas corpus*, and upon that he obtained his discharge, the House would not have the power of making any resistance. The question would be purely one of law. Taking all the circumstances connected with this transaction into consideration, he could not consent to the discharge of the witness. He thought that the House ought to support the committee in the exercise of its authority, onerous as it was, and on that ground he should give his vote.

Mr. *O'Connell* differed from the authority of the hon. and learned Member, as to the illegality of the warrant. It should be recollected that the witness received the summons before the committee was constituted. He thought this a monstrous case, and one which ought not to be frittered away. At the moment the Speaker issued the warrant, the papers were in the custody of the witness. He was bound to keep them.

Mr. *Christopher* said, that whatever was the opinion of that House, and whatever course they might think proper to pursue, he felt convinced that the people of England would not allow themselves to be committed to Newgate in a way that no court of justice in this country would consider itself warranted in adopting.

Mr. *H. Hinde* would take the sense of the House on the question of adjournment.

The House divided, on the question that the debate be now adjourned:—Ayes 16; Noes 176: Majority 160.

List of the AYES.

Bradshaw, J.
Buck, L. W.
Chelsea, Visct.
Christopher, R. A.
Cochrane, A.
Ferrand, W. B.
Fitzroy, hon. H.
Fleming, J. W.
Forbes, W.
Godson, R.
Hodgson, R.
Northland, Visct.
Polhill, F.
Thesiger, F.
Tyrell, Sir J. T.
Verner, Col.

TELLERS.

Hinde, H.
Bruce, C.

List of the NOES.

Acton, Col.
Aldam, W.
Antrobus, E.
Armstrong, Sir A.
Baring, rt. hon. F. T.
Barnard, E. G.
Bellew, R. M.
Bernal, R.
Bernard, Visct.
Blackburne, J. I.
Blake, M.
Blake, M. J.
Blake, Sir V.
Blewitt, R. J.
Bodkin, W. H.
Bodkin, J. J.
Boldero, H. G.
Borthwick, P.
Brodie, W. B.
Brotherton, J.
Browne, hon. W.
Bruce, Lord E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Busfeild, W.
Callaghan, D.
Campbell, A.
Chetwode, Sir J.
Clayton, R. R.
Clements, Visct.
Clerk, Sir G.
Cobden, R.
Cockburn, rt h. Sir G.
Colebrooke, Sir T. E.
Corry, rt. hon. H.
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Dalmeny, Lord
Damer, hon. Col.
Dawson, hon. T. V.
Denison, W. J.
Dennistoun, J.
Douglas, Sir C. E.
Drummond, H. H.
Duncan, G.
Duncombe, T.
Du Pre, C. G.
Eaton, R. J.
Ellice, rt. hon. E.
Ellice, E.
Eliot, Lord
Escott, B.
Ferguson, Col.
Feilden, W.
Fielden, J.
Filmer, Sir E.
Fitzroy, Capt.
Follett, Sir W. W.
Forster, M.
Fremantle, Sir T.
French, F.
Fuller, A. E.
Gill, T.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Granger, T. C.
Greenall, P.
Greene, T.
Grey, rt. hon. Sir G.
Grogan, E.

Hamilton, J.
Hamilton, W. J.
Hamilton, Lord C.
Hardy, J.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Heathcoat, J.
Heathcote, G. J.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Hodgson, F.
Hope, hon. C.
Howard, hn. C. W. G.
Howard, hn. E. G. G.
Howick, Visct.
Hume, J.
Humphery, Mr. Ald.
Hutt, W.
Irton, S.
Jackson, J. D.
Jocelyn, Visct.
Johnstone, H.
Jolliffe, Sir W. G. H.
Kirk, P.
Labouchere, rt. hn. H.
Lascelles, hn. W. S.
Lefroy, A.
Lemon, Sir C.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lowther, J. H.
Mackenzie, W. F.
Mainwaring, T.
Martin, J.
Martin, C. W.
Masterman, J.
Meynell, Capt.
Mitcalfe, H.
Mitchell, T. A.
Morgan, O.
Morris, D.
Mostyn, hn. E. M. L.
Muntz, G. F.
Neeld, J.
Newry, Visct.
Nicholl, rt. hon. J.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, J.
Palmerston, Visct.
Pechell, Capt.
Peel, rt. hn. Sir R.
Philips, M.
Pollock, Sir F.
Ponsonby, hn. C. F. A. C
Powell, C.
Power, J.
Rawdon, Col.
Redington, T. N.
Richards, R.
Roebuck, J. A.
Rolleston, Col.
Rushbrooke, Col.
Rutherfurd, A.
Scott, hon. F.
Shaw, rt. hon. F.
Sheppard, T.
Smith, A.
Smith, rt. hn. R. V.
Stanley, Lord
Stanley, E.
Staunton, Sir G. T.
Sutton, hon. H. M.
Thornely, T.
Tollemache, hn. F. J.
Trevor, hon. G. R.
Tufnell, H.
Tuite, H. M.
Turner, E.
Vernon, G.
Villiers, hon. C.
Vivian, J. E.
Vivian, hon. Capt.
Wakley, T.
Wall, C. B.
Wallace, R.
Ward, H. G.
Wemyss, Capt.
Williams, T. P.
Wood, B.
Wood, C.
Wood, G. W.
Wortley, hon. J. S.
Yorke, H. R.
Young, J.

TELLERS.
Buller, C.
Jervis, J.

Question again put, that William Rouse Mabson be committed, &c.

Mr. *Thesiger* being convinced that the warrant was illegal, could not give his consent to restrain the liberty of the man for one instant. After the doubt which had been expressed by his learned Friend the Solicitor-general, he should indeed be astonished if his learned Friend did not vote for his discharge. He wished to explain to the House, that he had voted in the minority in the last division, on the plain ground that, had that motion been successful, it would have led to the discharge of the prisoner. If any hon. Member had any doubt upon his mind as to the validity of the warrant, could they hesitate for a moment in voting for his discharge? Hon. Members ought to bear in mind that they were an irresponsible body; if they injured the man by imprisoning him illegally, he had no redress. If he were committed by a magistrate upon an illegal warrant he might bring his action, but against the House he would have no remedy.

Mr. *Ward:* The hon. and learned Gentleman who had just sat down, had at once converted into a fact that which was simply a doubt upon the mind of the Solicitor-general. But see what would be the result if his opinions were carried out to their full extent. Let the House agree with him, discharge the prisoner on the ground of the invalidity of the summons, and they would invalidate the proceedings of every election committee which had sat during the present Session. ["No."] He said, "Yes, yes," for no one witness would have attended before them had they not thought they were compelled. Hon. Gentlemen opposite had been perfectly quiescent hitherto; but now, when the inquiry was into the doings of the election at Southampton, they appeared to be desirous to throw the shield of protection over a man who had set the House of Commons at defiance. He fully believed that it was highly desirable that the trial of these petitions should be before a tribunal totally unconnected with the House; it was impossible for Members to keep themselves free from party bias, as had been shown by the cheers of either party as a sentiment favourable to either of them was given utterance to either by any of the prisoners at the Bar, or the hon. Member for Hants last night. They were alike on either side. But, as the law at present stood, a man who had so glaringly, and evidently so intentionally erred, deserved punishment. He would ask the hon. and learned Member for Woodstock, whether he believed the man was innocent? If he were, he would merely say, that, had he been the most ingenious, the most cunning person in the world, or even had he acted according to the advices of the most astute and ingenious counsel who was acting for the sitting Member, he could have taken no way better calculated to defeat the inquiry in which they were engaged.

Mr. *Christopher* would repeat that the trial of all election petitions ought to be taken out of the hands of the House, and he trusted that these discussions, of which there would be many more, would be the means of sending such trials before a legal tribunal, where a gentleman of legal talent would preside. He felt quite certain that were such a judge appointed, whatever were his politics, he would give his opinion conscientiously upon all points that came before him.

Sir *G. Grey* said, the Solicitor-general seemed to have assumed that the prisoner had been called upon to attend the committee during the last Session. Now, undoubtedly the recital of the warrant did mention last Session, and it could not be otherwise, for the Act of Parliament directed that the trial of petitions should take place during the Session in which they were presented, and those presented last Session were only delayed by a subsequent order of the House. But the warrant went further, and required him to attend before the committee to be appointed to try the merits of a petition presented against the return for Southampton, and there produce certain documents named. Now, the object of serving the summons immediately upon the presentation of a petition was to fix the parties who might have documents of consequence to the inquiry in their possession—to attach them in their hands for the purposes of the inquiry. If the doubt expressed by the Solicitor-general should, upon due consideration, prevail—if it were necessary that when a committee was adjourned from one Session to another, it was necessary that the party should again be served, then no committee would ever obtain any document of importance, for they would be destroyed in the interval, and with impunity. Should the doubt prevail, then he hoped some hon. Gentleman would introduce a short bill for the purpose of curing the error.

Sir *J. Tyrell* could not give his vote for a motion for the committal of the man, and he trusted the great sticklers for the freedom of the subject would vote against the motion.

Mr. *O'Connell* felt that he should be acting a perfectly consistent part in voting for the committal of the person, although he was one of the friends of freedom to whom the hon. Baronet had alluded. Were hon. Gentlemen going to throw the shield of protection over such a man—a man who had been employed as an agent to spend 3,000*l.*? ["No!"] Well, he spent that sum of his own money. ["No!"] Why, he stated at the Bar that that sum had passed through his hands—had passed by a check-book. That made his case the stronger—he wanted the check-book, in order to see through whose hands it went. What could they think of a man who had forgot receiving the Speaker's warrant? That was not such an every day affair. If it had been a *nisi prius* case in which he gave such an answer, he would have asked him when he forgot it? Surely hon. Members were not anxious to shield bribery. The present was, perhaps, the most monstrous case which had ever come before the House. No Gentleman could believe what the man stated at the bar. That they were debating the case was a clear and convincing proof of the necessity of constituting another tribunal for the trial of election petitions. He had been censured, he had been punished by the House for speaking his mind of the old system, but he had his reward—that system was found to be so indefensible that it was swept away. What was the case now? The system was worse. It was not so bad only because it was worse. The question was not now on which side was the majority, but who was the chairman? In his opinion, they ought to adjourn the question, in order that a bill might be brought in, constituting a proper tribunal,—one presided over by a judge of the land; let him have a salary that would make him independent, and then he would not care if the jury were chosen out of that House. Justice would be done. He wished some means could be adopted to relieve persons who were examined on their oaths before election committees from the reproach to which they were frequently subjected, on account of the suspicion expressed with respect to their evidence. The present system, he thought, must have a tendency to promote immorality in the country.

Mr. *S. Wortley* agreed in many of the sentiments of the hon. and learned Gentleman who had just addressed the House; but he thought, many of the points mooted by the hon. and learned Gentleman could not be discussed on the present occasion. The question before the House was, whether they were justified in retaining in custody the person who had been called to the Bar in consequence of his having disobeyed the precept of Mr. Speaker in the matter of the Southampton election. He thought that House was a most unsatisfactory tribunal for the decision of nice points of law. In this case, the warrant issued by Mr. Speaker had been called in question; and Mr. Speaker having considered the matter, pronounced his decision upon it. He did not refer to Mr. Speaker's private individual opinion; but Mr. Speaker, having doubts on the subject, had consulted the legal advisers to whom he was authorised to appeal, and, acting upon their advice, he had officially pronounced his decision. He thought that, in this case, they ought to assume—as it was not in opposition to the principles of British law, that Mr. Speaker, to whose guardianship their privileges were confided, was the proper organ for expressing the judgment of the House; and when Mr. Speaker, after adopting measures for arriving at a just decision, had pronounced his opinion on the question, he thought the House was justified in adopting that opinion.

Mr. *C. Buller* said, the committee of the House had admitted the validity of the warrant by committing the individual to custody for his disobedience; and he thought, the House ought to follow up the acts of the committee. The decision of these matters was left entirely to the committee. The bill which gave this power to the committee provided, that in cases where persons were guilty of prevarication or disobedience to the summons of the committee, the chairman might, by warrant under his hand, directed to the Sergeant-at-Arms, commit such parties to the custody of the Sergeant-at-Arms, and report thereon to the House, that the House might approve such proceeding, or express its censure. The chairman of the committee had, in this case, consigned an individual to custody for disobedience to the order of the House, and had reported thereon. He thought, the course for the House to pursue was, to receive the report, and to approve or censure the proceedings of the committee.

Mr. Sergeant *Jackson* said, the committee were authorised to commit for twenty-four hours, and to report the committal to the House, and the House exercised its discretion as to the prolongation of the imprisonment. The warrant in this case was either valid or invalid. If it was valid, the committee had the power to examine the witness. If it was invalid, in what position was the House placed? If the imprisonment of the witness was continued till to-morrow, he would, in all probability, apply for a writ of *habeas corpus*. Why should the witness be detained in custody, if he had not been guilty of contempt of the order of the House? He understood that the witness, happening to be in the committee-room, was called upon to give evidence, and had no opportunity of obtaining the document he was required to produce.

Mr. *Roebuck* said, that if the House committed the witness to Newgate, or to the custody of the Sergeant-at-Arms for contempt, and the witness appealed to the Court of Queen's Bench, that court would not inquire into the ground of contempt. If Mr. Speaker were constituted the single judge on such matters as this, it would afford him great satisfaction; for six years ago he had asked for the appointment of a single judge in cases of this description. He did, however, object to the decision being vested in that House, for a worse tribunal for the determination of legal questions could not exist. He must say that party considerations were involved in every question brought before that House. He regretted that the learned Solicitor-general, whose opinion was entitled to great weight, had expressed a doubt as to the legality of the warrant. He argued by analogy, that according to the ordinary course of proceedings at quarter-sessions with regard to recognizances, it was unnecessary for the House to renew, or in legal phrase to respite its warrants. He wished to know what excuse, either in morality or law, the witness could urge for his conduct in this case.

Lord *Stanley* said, this House was not, probably, on any occasion the best tribunal for deciding legal questions. He could assure the House, however, that in entering on the consideration of this subject he wished to divest himself of all party views and feelings; and his only desire was, that while the authority of the House was duly maintained full and substantial justice should be done. He thought that until the House was perfectly satisfied that the warrant issued by the Speaker was an illegal document, the presumption of the House should be, that it was a document of full legal force and authority. He was the more disposed to entertain this opinion, because, though the present question had taken the House by surprise, Mr. Speaker had, in a case of this nature, which had formerly arisen, taken the deliberate advice of those officers whose duty it was to render professional assistance to the House, and their opinion had been favourable to the effect and validity of the warrant. He thought, therefore, that the House should act upon the presumption that the warrant was a valid and authoritative document. It was not his intention to enter into any discussion as to the merits of those tribunals which had been constituted by Parliament for the determination of controverted elections. It was enough that Parliament had constituted such tribunals, and had invested them with full authority to investigate proceedings connected with controverted elections. In the case now under consideration, the committee had decided that a contempt of the House had been committed. The committee had not yet delivered their report to the House; but they had reported that they had consigned to the custody of the Sergeant-at-Arms a witness who had disobeyed the orders of the House, and they asked the House to sanction their proceedings. The application was not for the committal, but rather for the remanding of the witness. Now, he entertained grave doubts whether or not in this case the witness had designed to defeat the ends of justice. The committee were, however, better qualified to judge on that subject than he could be; and he did not in any degree question the discretion of the committee in exercising their functions. If a suspicion existed that the witness intended to absent himself from future examination, that would be a strong ground for retaining him in custody. He presumed that the object of the committee was to ascertain, by further investigation, whether or not a contempt had been committed which would justify the adoption of more severe proceedings with regard to the witness; and he was, therefore, without giving any opinion as to the point of law involved in the case, prepared to give his vote for retaining the witness in the custody of the Serjeant-at-Arms till the matter was investigated. If the chairman of the committee was prepared to recommend that the witness be ordered to attend the committee to-morrow, and facilitate their inquiry, and that he be released after them, he was prepared to support the committee in that recommendation, and to vote that he be detained in the custody of the Serjeant-at-Arms until then.

Mr. *Hodgson Hinde* said, that hon. Gentlemen who had opened the question in favour of the committal of the witness had taken the ground that, in doing so, they would be supporting the views of the committee. Now he would tell them that they were doing no such thing. If they wished to support the committee, they must go still further. The committee had not only made a report, but had instructed their chairman to move that the party be committed to Newgate. The House, having repudiated this recommendation of the committee, how could they now uphold the authority of the committee by adopting a different course. The noble Lord who had just spoken had said, that if he should be convinced that there was no likelihood of the witness attempting to abscond, he should vote for his release. He thought, however, that justice required that just the reverse of such a course should be adopted. He thought that justice required that they should ascertain that there was a likelihood of the witness being likely to abscond before they detained him—no member of the committee had stated that any such occurrence was probable. So far as they knew, Mr. Mabson was a person in a large way of business, and employed fifteen or sixteen individuals. Now, it was not likely that a person under such circumstances, in order to avoid a temporary inconvenience, would subject himself to the injury and loss which would necessarily attend the adoption of such a course by him as absconding. He had made a motion for the adjournment of the debate, which, if it had been agreed to, would, he thought, have answered the ends they all had in view. Among the difficulties which he had to encounter in the case he should choose the least, and vote against the motion.

The *Solicitor-General* said, that the simple question before the House was this, whether or not a warrant, which, on the face of it, stated that the person to whom it referred should attend before a committee of the House during the Session in which it was issued—whether or not that person was guilty of contempt in neglecting to obey its instructions in the present Session. When the warrant had been first read, it had struck him that it was not a legal warrant. He was then not aware that the matter had been previously brought under the notice of the Speaker, and that the same objection applied to other documents of the same kind. He thought that it was a warrant issued during the last Session of Parliament; and that the parties had, wrongly, as he thought, neglected to renew the summons or warrant for the new Session, to which it was now to apply. He could not bring his mind to the conclusion that the warrant was a legal instrument; but, at the same time, he must say, that as the matter had been considered by eminent authorities, he should be guilty of disrespect to them, the Speaker, and the House, were he to state firmly that the warrant was an illegal one. He could not feel justified in saying, that these authorities were wrong, and he would now give his vote, not on the ground that the warrant was illegal, because he did not think that he should be justified in voting for the discharge of the party on that ground, but on the ground that such discharge might lead to delay in the furthering of the ends of justice. He thought, however, that the matter was one which should be set at rest by the decision of counsel, as far as such decision could have such effect. With reference to the course which the House should now adopt, he would observe, that some hon. Gentlemen seemed to suppose that the House had voted the party in question guilty of contempt, but the facts were, that the committee had reported him guilty of disobeying the Speaker's warrant, and, under this accusation, there existed what he could not but designate as a very glaring anomaly—that while the House referred the consideration of all these matters to committees appointed for the purpose, and left them to decide, and had given them all the powers they possessed with a view to this end, that these committees should be obliged to come to the House and report upon matters which came before them, with the view of getting the House to enforce their opinions or orders. Now, the anomaly was this, how could committees properly come and ask the House to commit persons when that House had no proper means of forming its judgment upon the circumstances of the case? He thought that it was far better that committees should have all the powers which it was necessary for them to possess, in order to carry out their views, and it was an anomaly, that with the powers the committees possessed in one respect, they should be obliged to appeal to the House to put in force their orders. With respect to the course they ought to take, he hoped that in anything which he had said, or might say, the House would believe, that he was actuated by no party feelings, and that his sole desire was, that the House should proceed fairly and justly. Now, if he might venture to express an opinion of the course adopted by the committee, it should be, that the recommendation for committal was premature. It was not for contempt of the House for which it was made—it was not for the purpose of getting the witness to answer questions—but it was for the purpose of punishing him for not obeying the summons of the Speaker and reading certain papers. But, according to some statements lately made, it appeared that the object of the committal was to have the matter further investigated, to call for other persons, to whom it was alleged that the witness had given the papers in question, and to have the whole charge more fully gone into; and he thought that if the party was recommended to be committed for disobedience, the matter should be further investigated before the committee came to that conclusion. But if any one of the committee thought that justice would be done were the witness not kept in custody—if the members of the committee thought that there was no probability of his absconding, he would suggest that, instead of his being committed to the care of the Sergeant-at-Arms, the House should direct him to attend before the committee to-morrow; and if he attended as often as commanded, the matter might be fully gone into, and in the meantime the question respecting the legality of the warrant might be settled, and by adopting such a course, he believed that the ends of justice would in all respects be answered.

Mr. *C. Wood* remarked upon the change which seemed to have taken place in the minds of hon. Gentlemen upon the question of the witness being retained in the hands of the Sergeant-at-Arms since the first division upon the subject. He had been all along actuated by feelings in favour of supporting those tribunals which the House had constituted for the purpose of trying the merits of election petitions, and he was sorry to see that so many hon.

Gentlemen had cast blame upon the acts of those tribunals; nay, even members of those committees had come forward and stated opinions adverse to the conduct of the majority of the committee. He did not think that such line of conduct was at all calculated to give weight and influence to the tribunals in question. He had been also sorry to have heard the hon. and learned Gentleman opposite express the opinion he had upon the conduct of the committee now more immediately before the House—the more particularly as that hon. and learned Gentleman had only formed his opinion from the examination of the prisoner at the Bar of the House. With regard to the legality of the warrant, he agreed with those hon. Gentlemen who thought that they must presume the warrant to be good and efficient. The witness had stated, as regarded the papers he was ordered to produce, that he had thoughtlessly parted with them. Now he thought that no substantial injustice would be done to Mabson by detaining him. He had admitted, that he was bound to obey the summons, but he had parted with the papers which he also knew that he was bound to produce, and that too under circumstances which threw great suspicion upon that part of his conduct. Such was the view of the case taken by the right hon. Baronet the First Lord of the Treasury, that the circumstances under which the papers had been disposed of were very unsatisfactory, and that the suspicion against him was so strong that it was not right that he should be left at liberty to withdraw himself from the country if he chose, and thus defeat the ends of justice. He thought that they were bound, by what he considered to be the virtual, if not the formal decision of the House, and retain the witness in custody.

Mr. *Godson* reminded the House, that if the argument of the hon. and learned Member for Liskeard held good, it would be in the power of a single Member, without going into the entire question, to send a fellow-creature to Newgate, because the majority of one would have that effect. But he must also remind hon. Members that the committee had not sent this man into custody for refusing to answer questions put to him, but for the non-production of two classes of papers which were of value in the cause or they were not. One class had been shown to be a set of counterfoils to checks—which counterfoils the man had distinctly stated contained nothing more than the date and the amount, but stated nothing as to the name of the drawer. He mentioned those facts, because the hon. and learned Member for Cork (Mr. O'Connell) seemed to have got an erroneous impression as to those facts. These counterfoils contained nothing more as to the particulars of the checks—the checks themselves were of course at the bankers, and therefore these counterfoils, even if produced, would be of no value. And what were the other papers? Why they were not of the least value. They were simply three tradesmen's bills, amounting to something between 15*l.* and 16*l.*, and these of no material consequence to the inquiry at all; the counsel could, on proof they were lost, have given secondary evidence as to their contents. This was the third party who had been committed before the House—first there had been the witness Wren, then an hon. Member of the House, and now the present individual; and he should vote against his committal, because he thought the application had been made by the counsel for the petitioners, for the purpose of acting upon the nerves of the witnesses yet to be examined.

Mr. *Hutt* would not reply to the last observation of the hon. Gentleman, which he was sure would be sufficiently answered by the good feelings of the House. Although he believed that it would be more decorous in him to abstain, yet he was compelled to take a part in the debate by two circumstances which had taken place. The House would observe that the chairman of the committee had left the House under, as he believed, the full conviction that the discussion upon the subject was at an end. He said what was his own impression, and doubtless hon. Gentlemen who cried "no" were better informed. He could not but advert to the observations of the hon. and learned Gentleman opposite (the Attorney-General). He could assure the House that he was by no means insensible to the censure which had been pronounced upon the committee of which he was a member; but he could only say that according to his sincere conviction he had done his duty in following the course which he had adopted, and he trusted that the House would give him credit for such being the case. He had found himself placed in a most difficult position. It had been determined by the House that he should exercise judicial functions of a very high nature, although he professed to have no knowledge of the law. But he would state to the House the motives by which he had been actuated, and the reasons why he could not agree with the hon. and learned Gentleman opposite in the suggestion which he had thrown out. He was convinced from what had taken place in the course of the inquiry, and from what he had heard in that House, that the witness who had been brought to the Bar of the House had disobeyed the summons of the Speaker; he was convinced that he (the witness) had been concerned in attempting to defeat the ends of justice, and under these circumstances, it was imperative upon him not to agree to the suggestion that he should be allowed to go at large without first being visited with some degree of punishment. He did not support the motion because he believed that it was necessary to retain the witness in custody for the purpose of future examination, but because he believed that he had been guilty of a dereliction of duty in attempting to defeat the ends of justice. He was under the imputation of having acted in the most suspicious manner. The censures which the hon. and learned Gentleman opposite had passed upon the conduct of the committee would operate injuriously upon the operations of such tribunals, and he trusted that the consideration that such would be the effect of his observations would induce the hon. and learned Gentleman to recal some portion of his speech upon the subject—a speech, however, in which he was glad to have heard the hon. and learned Gentleman explain away, in some degree, those views which he had, during the earlier part of the evening, expressed with reference to the legality of the warrant.

The *Solicitor-General* explained. He said that the disadvantage of discussing a subject of this nature was, that one could scarcely approach its consideration without expressing an opinion upon its merits. He begged to say, however, that he had never had the least idea of imputing to the committee that they had acted from any other but the purest and most proper motives.

Viscount *Howick* thought that it was scarcely to be considered discreet to express an opinion upon a subject of this nature involving censure upon the committee. He had understood the hon. and learned Member to say, that he thought that the committee had acted "precipitately." [The *Solicitor-General:* "Prematurely."] Even taking it so, he thought that in a case of this kind such an opinion, coming from the hon. and learned Member, involved a censure on the committee —a censure, which he took the liberty of saying, it was not, in his opinion quite proper, for the hon. and learned Member to pronounce, except on the very strongest grounds—grounds which, he must add, did not belong to this case. In stating his own views upon the question, he should take it, as he thought he ought to take it, as if he knew nothing of what had passed in the committee room which was not stated in the report: and doing so, he thought that it appeared that the committee had acted with perfect propriety and judgment. What was the accusation against this person? It was said that at the last election for Southampton bribery was committed, and, as a means of ascertaining the truth of the charge, the warrant of the Speaker was served on the witness to appear and produce all papers in his custody. It was notorious to all who had attended these tribunals, that it was of the greatest importance that these warrants, should be served as speedily as possible after the termination of the election, so that the persons served should not have an opportunity of making away with any papers or documents in their possession. It was very much the practice of hon. Gentlemen opposite to sneer at a reformed Parliament, and to say that more bribery existed under the new system than had formerly existed; but he thought that those who used language of this description would do more to put an end to this practice if they would co-operate with those on that side of the House to bring cases of bribery to light when they really existed. Of all the proceedings most necessary on these occasions, it was essential to take care that those documents in the hands of persons engaged at elections, immediately at the close of the elections, should not be destroyed or made away with. The warrant having been served in this case, all the witness could say was—"Oh! I forgot that the warrant required me to produce the papers." He asked whether that was a statement to which they could give any great credit, coming as it did from an old electioneerer? Was it likely he should have forgotten the importance attached to documents of this sort? He confessed that, for his own part, he could not believe it. And if it did turn out that he could not now produce these documents, the witness had been guilty of a great offence; for he had allowed the papers to go out of his own hands, so that they could no longer have any assurance that they were still in the same state as when they had been given up by him. Seeing, therefore, that the witness had acted contrary to the warrant in allowing these papers to go out of his hands, even though they might be certain that they would now be produced, he thought that they should not depart from the course which was right, if, in the mean time, they committed him to the custody of the Sergeant. The question of the validity of the warrant was one which, in his opinion, they could not entertain. If the witness himself had raised it, the question might have been discussed; but as the witness had not raised it, he thought that it was hardly fit that it should be raised in his favour by others. But even if he had not been served with the warrant, if he had wilfully concealed any information necessary to be brought before the committee, or if he had wilfully disobeyed the authority of the Speaker, it was quite as much a contempt as if it were a legal warrant. A contempt of the House consisted in wilfully withholding information from the House, or in obstructing the House in its inquiries; and believing that the witness had been guilty of such a contempt, he should not consent to allow him to be relieved from custody, but he should support the motion.

Mr. *Borthwick* said, there had been quite a flood of learning and argument poured out upon the House with reference to the present question, and, therefore, he should not take up much of its time. The noble Lord (Lord Howick) said, he entirely approved of the proceedings of the committee, which had acted, in his opinion, with judgment and propriety, and he confessed that, if the recommendation of the committee had been acted upon, aye or no, he would have said aye. If he were not mistaken, however, the noble Lord and the rest of the House had departed from the original recommendation of the committee and had taken another course; the question then resolved itself into one of degree—namely, whether they would depart from the motion then before the House and go one step further. The question was, did the witness at the Bar act with *bonâ fides* or not? It seemed to him that the account that the right hon. Gentleman at the head of her Majesty's Government gave was not satisfactory. He had believed, and he thought it was understood generally by the House, that the question was decided by the last division, and he should not have stopped to vote on this occasion, if he had not remained for another purpose. He was, however, sure, that the result of this decision would be to transfer decisions of this sort from tribunals where they were now decided to more proper tribunals, and such as would be more satisfactory to the country.

Mr. *Muntz* said, that in giving his vote in favour of this motion, he should not take into consideration the question whether the warrant was illegal or not, believing that it was sufficient that the witness had disobeyed that warrant. The witness had put himself in this position: after the warrant had been received by him, he kept these papers three months in his possession, and after that he sent them to Captain Ward, who forgot having received them, and now the witness had forgotten all about their contents. He could not believe, however, that a matter which involved 3,000*l.* in amount could so easily have slipped from his memory. Hon. Gentlemen in that House might be more credulous than he was, but he did not think that they would believe this. He did not believe that the truth was always so strictly adhered to in these inquiries as it should be; and he had no doubt that there was a great deal more behind the curtain than before it. Believing that the witness had done all he could do to frustrate the ends of justice, he should give his vote in favour of his detention in custody.

Mr. *Fleming* might be supposed to have something like a biassed feeling upon this question, but he thought that he should be guilty of great injustice towards Mr. Mabson, if he did not rise for the purpose of expressing the greatest respect for him. He had had dealings with him, and he had always found him to be an honest and conscientious man; and, at all events, he might say that he believed that there was no tradesman in Southampton who was more highly respected by all parties. He did not believe that he had been actuated in this case by any improper motives in sending these papers from his own possession, and so high was his opinion of him, that if he could be permitted to give any guarantee for him, he was quite ready to hold himself responsible for him.

The House divided, on the question that William Rouse Mabson be committed, &c.—Ayes 117; Noes 32:—Majority 85.

List of the AYES.

Ackland, Sir T. D.
Acton, Col.
Ainsworth, P.
Allix, J. P.
Arbuthnott, hon. H.
Armstrong, Sir A.
Baird, W.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barnard, E. G.
Bernal, R.
Blake, M.
Blewitt, R. J.
Bodkin, W. H.
Bodkin, J. J.
Boldero, H. G.
Borthwick, P.
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Browne, hon. W.
Buckley, E.
Busfield, W.
Butler, hon. Col.
Campbell, A.
Chapman, B.
Chetwode, Sir J.
Clements, Visct.
Clements, H. J.
Clerk, Sir G.
Cockburn, rt.hn.Sir G.
Colebrooke, Sir T. E.
Colvile, C. R.
Coote, Sir C. H.
Cowper, hon. W. F.
Craig, W. G.
Dalmeny, Lord
Darby G.
Drummond, H. H.
Duncan, G.
Eliot, Lord
Ferguson, Col.
Fremantle, Sir T.
French, F.
Gill, T.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granger, T. C.
Greenal, P.
Grey, rt. hn. Sir G.
Hamilton, W. J.
Hampden, R.
Hardinge, rt.hn.Sir H.
Hardy, J.
Hastie, A.
Hay, Sir A. L.
Heathcoat, J.
Henley, J. W.
Hepburn, Sir T. B.
Hill, Lord M.
Holmes, Hn. W. A'Ct.
Hope, hon. C.
Howick, Visct.
Hume, J.
Humphery, Mr. Ald.
Johnstone, H.
Leader, J. T.
Mackenzie, T.
Mackenzie, W.
Mahon, Visct.
Martin, C. W.
Masterman, J.
Mitchell, T. A.
Mostyn, hn. E. M. L.
Muntz, G. F.
Newport, Visct.
O'Brien, J.
O'Connell, D.
O'Connell, M. J.
Philips, M.
Pigot, Sir R.
Powell, C.
Pringle, A.
Pusey, P.
Reade, W. M.
Richards, R.
Rushbrooke, Col.
Rutherfurd, A.
Seale, Sir J. H.
Seymour, Lord
Shaw, right hon. F.
Somers, J. P.
Stanley, Lord
Staunton, Sir G. T.
Sutton, hon. H. M.
Tancred, H. W.
Tennent, J. E.
Trotter, J.
Tufnell, H.
Turner, E.
Vernon, G. H.
Villiers, hon. C.
Wakley, T.
Wallace, R.
Ward, H. G.
Wawn, J. T.
Welby, G. E.
Wemyss, Capt.
Williams, W.
Wood, B.
Wood, C.
Wood, G. W.
Yorke, H. R.
Young, J.

TELLERS.

Hutt, W.
Jervis, J.

List of the NOES.

Antrobus, E.
Bailey, J., jun.
Barrington, Visct.
Baskerville, T. B. M.
Bradshaw, J.
Christopher, R. A.
Escott, B.
Fielden, J.
Fitzroy, hon. C.
Fleming, J. W.
Forbes, W.
Fuller, A. E.
Godson, R.
Hinde, J. H.
Hodgson, R.
Jackson, J. D.
Kirk, P.
Knatchbull, right hon. Sir E.
Lowther, J. H.
Lygon, hon. General
Mackinnon, W. A.
Master, T. W. C.
Morgan, O.
Plumptre, J. P.
Polhill, F.
Rashleigh, W.
Repton, G. W. J.
Round, C. G.
Scott, hon. F.
Stuart, H.
Tollemache, J.
Tyrell, Sir J. T.

TELLERS.

Thesiger, F.
Ferrand, T.

SUPREME COURT (SCOTLAND).] Mr. *Wallace* said, that in rising to introduce the subject of which he had given notice, he was desirous of impressing upon the House, and the right hon. Baronet, the Member for Tamworth, that he did so with an earnest desire of improving the administration of justice in Scotland. He was well aware how unwilling the House was to hear so dry a subject as this, and he should, therefore, feel it his duty to proceed as quickly as he possibly could, and rather to refrain from expressing the opinions which he himself entertained, that he might bring before the House the opinions on the subject expressed by others. The bill he proposed to bring in was absolutely necessary, if the courts to which he alluded were to be improved at all; because it was quite evident, from the report of the Select Committee which he held in his hand, that the improvement of the Scotch Courts could not be effected without the interference of Parliament. He had found, in the course of the evidence taken before the committee, that no measure could be effectual without legislative interference. Another object he had in view, when he moved for the committee from which the report to which he had referred emanated, was to see whether or no at that moment the number of judges could not be reduced; and he must say, circumstances had since led him to believe, there would have been no occasion to fill up the vacancy which had since taken place. His best course would, perhaps be to read from the report those parts which bore most conclusively upon the points which he wished to present to the House. He believed that report was drawn up either by his learned Friend the late Lord Advocate for Scotland, or by the chairman of the committee; for though he moved for that committee, and obtained it too, he was not permitted to be the chairman. That great question was too important, as they called it, for any Member not connected with the Government to preside; consequently, the late Under Secretary was chosen chairman. In the course of reading the evidence, he wished to say decidedly to the right hon. Baronet and the present Government, that he felt strongly the necessity to read that evidence. There were certain views entertained by the late Lord-Advocate, and the right hon. chairman, which pointed to a very small improvement,—viz., that the judges should be required to listen more patiently to the arguments of counsel. It had been very well observed in that House, that it was a hard case, that the judges of a court of such high respectability as the Court of Session, should be accused of not giving that due and fair attention to the arguments of counsel which they deserved. He had found, that really the judges were more or less liable to that censure, and that they had since found it necessary to pay more respect to the arguments of counsel than they had hitherto done. Though it had been alleged by the hon. Member for Stamford, that he (Mr. Wallace) had never done any good in bringing these questions before the House, he was sure that his hon. Friend, the late Lord-Advocate, who was a competent practical judge of such matters, would concur with him that a great deal of good had already resulted. Now, with regard to the report, he thought the best course he could pursue would be to read at once to the House the most important points which it contained. He should first say, however, that he looked upon the report as being considerably one-sided, inasmuch as the Gentlemen composing the committee were almost all Members of the legal profession; and he had not found them very anxious to improve those courts in which they themselves practised. He did not mean, in making that statement, to impute any particular blame to those gentlemen; he believed, that no class were impartial where their own interests were concerned. It was so with the East-India monopoly, and all other monopolies. He had no hesitation in saying, that the Supreme Court of Scotland was now the worst constituted court in the world. The English Court of Chancery formerly deserved that designation; but since the reforms in that court, the Supreme Court of Scotland stood pre-eminently forward as the most expensive, the most dilatory, and, he might add, the least satisfactory, in which the law was promulgated in any country in the world. Those were strong expressions, but he used them advisedly. He believed, that he would hereafter be able to prove his assertions; if, as he hoped, he should at some future time be allowed the means of instituting an inquiry into the subject. He would read to the House a passage from the report to which he had alluded, which would confirm, to a certain extent, at least, the opinions he had expressed. The hon. Gentleman then read the following passage from the report of the select committee on Supreme Courts in Scotland, dated May 28, 1840:—

"It would appear, that complaints exist as to certain parts of the procedure before the Lords Ordinary in preparing the record. This matter was brought before your committee in so far only as it affected the time and labour bestowed by the judges; and while your committee see no reason to withdraw the preparation of the case from the superintendence of the judge, they have no doubt, that preserving that superintendence for all useful purposes, the system might in many respects be improved, so as not only to save a great deal of judicial time, but what is much more important for the suitor, prevent delay and expense in the progress of the cause. It does not belong to your committee to suggest any particular measures as proper to be adopted with this view, the improvement generally of the form of process not being before them. But they think it proper to remark, that many of the evils complained of, and for which a remedy is most required, have arisen from this, that the form of process introduced by the statute of 1825 was not equally well adapted to all forms of suit or subjects of litigation, on the one hand; and that the court, on the other, was so tied down by the express terms of the statute, as to prevent them from introducing, by acts of Sederunt, or rules of court, such modifications as would be not only advantageous, but necessary, in several important classes of cases. It will be seen by a return laid before Parliament, that the time daily occupied by either division of the Court does not extend, on an average, much beyond two hours a day, and of that time some part is always occupied in disposing of orders and motions of no great importance. Some of the witnesses have stated, that on the average, this part of the business occupies at least one-third of the time during which the Court sits, reducing to less than one hour and a half, if their statement be correct, the daily sittings of the Courts. These are circumstances which strongly mark the present existence of former complaint; but, without going through the evidence in detail, your Committee are compelled to state that, in their opinion, the system introduced in 1825 has not been fully carried out in the proceedings of the Inner House, and that dissatisfaction justly prevails as to the administration of this part of the judicial system. It is very much in consequence of this, and of the sittings of the Court in public not being extended under a system, intended to substitute, as far as possible, oral for written argument, that an opinion has arisen in many quarters, and apparently with reason, that the number of Judges in the Court of Session is too great for the business it has to discharge, and that by abridging the vacations of the Court, and prolonging the periods of its daily sittings, the whole business might be done by a reduced number of Judges. Dissatisfaction has been the consequence, and it may be that this has been among the causes which have recently occasioned the diminution of the business of the Court of Session. It appears, too, it has produced, indirectly, very considerable results, by influencing, in some degree, the form of making up the Records, and introducing a form different from that intended. An opinion has been expressed, that hearing of causes has become more full and satisfactory than formerly; but, on the other hand, the small amount of time given in public to the performance of judicial duty appears by Parliamentary returns, and the evidence, not to have been augmented. Your Committee are, therefore, not justified in concluding that the dissatisfaction which has so long prevailed has materially diminished. Various propositions were made by witnesses as to relieving the Courts from motions of course, and from difficulties connected with the attendance of the bar in different Courts. It is clear, that motions of form occupy small portions of time in the Inner House, though no doubt a considerable portion of the time during which either division actually sits at present. Much the more important suggestions relate to the extended sittings of the Court—to the necessity of their sitting during a much longer time—every day—to their sitting on Monday, and to their availing themselves, if necessary, of the power to prolong the Session. If it should appear, that a greater portion of time than can be given during the present terms is required for fuller discussion, and a proper dispatch of business, it ought to be obtained by curtailing the vacations, whether as regards the Outer or Inner Houses. The Court of Justiciary frequently sits on Monday; but they do not see that that circumstance necessarily interferes with arrangements by which that day might be gained for one or both divisions of the Court. A great deal might be accomplished by the divisions sitting on alternate days, or at all events by using the Wednesday occupied in the business of the Teind Court, which, though important, is not extensive. If it were necessary, it might be proper to enable the Court of Justiciary to sit at Edinburgh, with two Judges, or with a single Judge, as on Circuit. Without altering the days on which the Court met, a great deal of time might be saved, and usefully employed, by holding the meetings of the Judges upon those occasions, when the whole Court is called upon to advise regularly, exclusively upon Mondays, or the Wednesdays appropriated to the sittings of the Teind Court. These, however, are matters of detail, upon which your Committee thought it unnecessary to enter at length, being satisfied that even without Legislative interference, and under the existing powers of the Court, there can be little difficulty to adopt such arrangements as would give great additional time. Arrangements, however, may be necessary beyond the power of the Court, in which case recourse must be had to the intervention of Parliament."

Now, it appeared that the Court sat only two hours a day, and that for a limited number of days. He would put it to English and Irish Gentlemen how unsatisfactory must be the proceedings of such a court? He should observe, in addition, that witnesses were not examined before the court. In criminal matters alone, witnesses were heard; while in civil cases, every thing was done through long printed documents, the rules of Court having subverted the good ancient practice, against the law, of examining witnesses in chief and in cross in open court before the judge. Such was their Judge-made law, and he could conceive nothing so much opposed to the spirit of a free people. He should inform the House, that the labours of the Scottish Judges at Assizes were of the most trifling description. The proceedings at Assizes in Scotland were reduced to a mere farce. They had in that country most excellent local tribunals, which tried all but the gravest offences. Those tribunals were presided over by judges called sheriffs, who were men well acquainted with the law. The labours before the Judges of Assize were thus rendered so light, that the provincial papers were in the habit of describing their going on circuit as mere trips of pleasure, during which they paid convenient visits to their friends in the different towns. He would next advert to the information he had received from three gentlemen of the highest knowledge and respectability, whose names he would not then mention, but which he would readily communicate to any hon. Gentleman in private. The first letter he would read, contained a description of the state of the Court at the present period. The hon. Gentleman read the letter, which was addressed to himself, as follows:—

"*Edinburgh, March* 30, 1842.

"The Court was divided into two Chambers in 1808. At that time, the number of causes brought into Court in a year was about 2,500. (See Parliamentary Return, No. 241, 1824.) The number now (1841) brought into Court in a year, is only 1,500. (See Returns.) This shows a falling-off of two-fifths. But this does not show the whole decrease in real business, for in addition there is to be noticed the increase in decrees of absence, which occupy almost no time. In these cases, there is only one enrolment, and at the first calling, the whole matter is disposed of in a quarter of a minute. It is only the decrees *in foro*, that can give an idea of the real business. Now, the decrees *in foro* in 1808, when the two Chambers were instituted, were in number about 1,500. At present, they are only about 600. So, that while the total business has been steadily decreasing, the real business has been still more decreasing, by the increase in decrees in absence. It is, therefore, no exaggeration to say, that business has decreased one-half. If, therefore, two Chambers could do the business in 1808, one Chamber could do it now, when it is so reduced. It is well known, that the two Chambers, when they had cleared off the arrears which had accumulated, *but not sooner, began to sit only for about two hours a-day for* 113 *days in the year*; and even now, under the influence of the lash, applied by the late Parliamentary inquiry, they don't usually sit above three hours a-day. There is no good reason why the Court should not sit at least thirty days more, and two hours more each day, if necessary. But, it is believed, that the business would not require such long sittings, even with only one Chamber. This can be made plain by figures. The present prolonged sittings at three hours a-day, for 113 days, give 339 hours for each Court yearly —say, for both, 678 hours in the whole year. Before the late Parliamentary inquiry, the sittings were only two hours a-day, or 452 hours yearly. If the sittings were prolonged 30 days—that is, to 143 days in the year, and to five hours a-day, we should have 715 hours from one Chamber, being 37 hours more than the present prolonged sittings of the two Chambers. Can it be seriously maintained, that sitting for 143 days, at five hours a-day, would be too much labour? Let the sittings of the English Judges answer the question. There would still remain an ample portion of each day for reading papers, &c., besides more than half the year for vacations. If the excess of 37 hours by one Chamber sitting 143 days for five hours, be deducted from the assumed daily sittings of that time, it would not much exceed 4¾ hours. This, with the constant decrease of business, as shown by the returns, for many years back, demonstrates that the time has now arrived, when one Court of Review may safely be abolished, and thereby, the delays and consequent expense arising from the present faulty system, and from the want of senior counsel both in the Inner and Outer Houses, be removed, or be greatly lessened, and the still more grievous and unseemly evil of conflicting decisions emanating from the two co-ordinate Courts of Review, be put an end to."

"To Robert Wallace, Esq., from —— Esq."

The next letter he would read to the House was as follows.—

"*Edinburgh, March* 30, 1842.

"Sir—There can be no doubt, that your Committee did much good, and that the Bar, and particularly the Whig clique, although slow to acknowledge this, cannot deny it. Their horror at reduction is rational enough, and we must not be too severe upon them. As you have obtained for them a great increase of courtesy from the Bench, and enlarged patience in hearings, they in return should have the courtesy to acknowledge your services frankly. But this improvement in patience, of course lengthens the hearings, and thereby aggravates one of the crying evils of our Courts, viz., the difficulty of getting eminent counsel to debate a case in the Outer House, without interruption, by being called away to the Inner House, or, indeed, to get the leading counsel at all, after the advisings begin in the Inner House. This great evil can only be remedied in two ways, either by restricting counsel to one division of the Court, or what would be far more effectual, and better every way, by having only one Inner Chamber. I see the same evil much complained of in England, and the abrupt way in which Lord Denman terminated the sittings last term, must have made even counsel themselves feel the inconveniences of their practising in so many different Courts!

* * * *

"The two divisions sit about one hour longer, daily, since your Committee—that is all—and they have had less work to do last year, than in any former one. I have not yet seen returns for the year ended in July, but from the printed Rolls I have no doubt of this fact. One division could now overtake the whole work with perfect ease. The bankruptcy business being almost all done now in the Sheriffs' Courts, has greatly thinned the

Rolls, and decrees in absence, which occupy little or no time, are still increasing. The adjustment of issues before the Jury clerks, does not now occupy so much time as formerly, as they are better acquainted with their duties, and very few causes are tried, showing the continued unpopularity of the institution as at present constituted and conducted in Scotland. As to leading counsel, we have very few. Mr. M'Neill is clearly at the head; then Messrs. Rutherford, Anderson, Wood, and Robertson—five in all—a poor array, certainly, from which to supply a bench of thirteen Judges. I am more convinced, that one Inner House is sufficient for all the business, and this is the effectual remedy for the difficulty in getting counsel to plead cases continuously in the Outer House. Had it not been for the Church cases, the Inner House would have been quite out of work this winter, so that the Kirk's squabbles have been a godsend to our Courts, for without work, the job of keeping them up, would be too bad, even for Peel's majority. I remain your faithful servant."

The next letter he would read, was also addressed to him by a professional gentleman of the highest respectability, and was as follows:—

"*Edinburgh, April* 8*th*, 1842.

"The number of well employed counsel at the Scotch bar does not exceed twenty; and the leading counsel are five, namely, Mr. Rutherford, Mr. Solicitor-general M'Neil, Mr. Dean of Faculty Wood, Mr. Adam Anderson, and Mr. Patrick Robertson. The first two are, and have long been decided leaders; Mr. Wood and Mr. Anderson only lately; that is since your select committee sat. At the most you will see there are only five. Whilst such is the number of leading counsel, and the well employed junior counsel are not above fifteen, but say twenty, in order to be within the mark, the judges are thirteen in number, subdivided into two Courts of Review, of four judges in each, and five Lords Ordinary, who sit separately, and four of them daily. Thus, there are daily six courts sitting, at precisely the same time, besides which there are issue clerks, sitting for the adjustment of issues to be tried by juries, who require to be attended by counsel; and the leading counsel are also chiefly employed for this purpose, therefore, it may be said, truly, that there are seven tribunals sitting daily. There are a number of English counsel in the House of Commons who can well understand the bearing of these facts, and I think you might place the matter before them in a forcible light, by putting to them—

1. Whether they think thirteen judges can be required to despatch the business prepared for their decisions by a bar, which reckoning the well employed counsel does not count twice their own number? I should think that English counsel, accustomed to see what is accomplished in the English courts, will be satisfied that the Scotch judges must be greatly underworked, or that assuredly there is something very far wrong in our system.

2. Whether it is possible for a bar, reckoning no greater number of well-employed counsel than I have mentioned, can efficiently supply seven tribunals sitting at the same moment. They will be able to answer this from their own observation; but the actual results, the confusion, the delays, inconvenience, and obstructions which are thereby occasioned, are given in evidence to prove the fact.

3. Whether it be reasonable to expect that such a bar can supply a bench, consisting of thirteen judges, with lawyers of real eminence. In point of fact, it is the great bane of the Scotch system and the Scotch courts, that we get so many inferior men placed on the bench, where first rate men only should sit. These are the simple views of the case which occur to myself; and I think you may give effect to them in such a way as to come home to the understandings even of men unacquainted practically with our profession."

He would now read them an extract from a letter in corroboration of these facts, from his learned Friend the late Lord Advocate. He had other letters which he should not detain the House with then, but if they were at all necessary in reply, he should go into them particularly. The hon. Member then read the following extract from a letter from the late Lord Advocate, Rutherford, to Mr. Cranstoun, dated London, August 10, 1839:—

"No one who knows the low esteem in which, from many causes, our judicial institutions are held, could doubt that if such a bill* had been introduced, it could not have been carried, but must have led to defeat, not less unpleasant to you than the Government. There was a reluctance in supporting us, even where you might least expect it."

He then read an extract from a letter from Lord J. Russell to Mr. Cranstoun, dated, December 14th, 1839:—

"The alternative for the Government to consider, therefore, was the abandonment of the clause, or the loss of the bill. So far as my own personal opinions were concerned, the loss of the bill would have been the preferable event. I had some doubts as to the increase of salary to the Scotch judges, and it was only in deference to the sentiments of those better acquainted with the subject than myself, that I did not make a reduction of the number of judges an indispensable part of the measure."

This extract he considered a very strong authority. The noble Lord said, it was only in deference to the opinion of others that he gave up his own in favour of a diminution of the number of the judges; and whose opinions did he refer to? Let him beg the attention of the House to the fact, that the witnesses brought by the noble Lord to give evidence, were all expectants of office, with one or two exceptions. Two had been made judges since, and he had understood at the time that his hon. and learned Friend was himself on the threshold of a very high appointment. If that was not true, then public notoriety had misled him; he was in no such secrets; no one confided them to him. If they did he would never keep them a moment, and therefore he got none from either side of the House. He got party secrets in the same proportion as he did favours—he never asked for them, and therefore never got any. But he could show there had been juggling among parties who ought not to have been concerned in such matters; they had been kept from him, though he was considered enough of a party man, to vote on a party question. But this was not a party object. That was legitimate with Members of Parliament, but this was not a party object. Here, said the hon. Member, are the Core-house job papers, and he would place them in the hands of any hon. Member. During that particular session there were only four judges doing the duty of eight; two were incapacitated from bad health; one of them was declared to be in such a state of weakness —not of mind, for he was of perfectly sound mind—but he was in such an extremely weak state of health that he could not do the duty of the Summer session. The object he had in view was to follow up the course adopted by one of the most distinguished men who ever sat as President of the Supreme Court, Sir Ilay Campbell, in his bill of 1785, for reducing the number of the Judges from fifteen to ten. He thought it a very rational proposal, and it was supported by the authority of Lord Jeffery, in the *Edinburgh Review*. He had before him a list of the amendments he moved in the Report under discussion, but would not detain the House with reading them; he merely wished, in framing these, to show the necessity of enabling the Court by means of a statute, to do that, which it could not do of itself, and which was alleged to be absolutely necessary. He therefore moved a series of amendments, eleven in number, and in them had shown what evidence had brought out on the question. He had now stated, in general terms, the object he had in view; and he might tell them, with great confidence, the opinion of the public was not more favourable with respect to the character of the Courts than his was. They denied that there was now a better despatch of business, or more wise decisions than formerly, and they complained bitterly of having two Courts sitting at the same time on questions of the same nature, trying causes on the same day, and having from each Court contradictory decisions. They complained, justly, of two co-ordinate Courts having four Judges, in each, as they would be sure to give contradictory decisions. No one in the House could deny that fact. Where there were four Judges of equal powers, they would be sure to differ in opinion, and the consequence was, the Scotch Judges were continually having unseemly differences of opinion on the Bench. With regard to the Inner House Judges, they had little or nothing to do as compared with the other Judges. He should be glad to have a bill introduced which would give them at once three or four months in the year for their vacation; reduce the number of Judges to nine or ten, and they might require four months vacation; they now took seven; but how did they take it? They took it in driblets — first three weeks, then two months, and then four. In the Scotch Courts, business was despatched by papers. They did not have witnesses produced in Court, oral evidence was seldom taken; nor was there any cross-examination of witnesses by Counsel. If they did this, they should not require so many Judges; but it was owing to the infernal system of papers—it was the infernal system of Judge-made law that enforced the necessity of so many Judges. What was the result of the system in the House of Lords? There were 800 appeals to the House of Lords, from England, Ireland, and Scotland. [*Cheers.*] Let the Gentlemen who cheered him, guess what was the share poor Scotland had of these appeals? They had 600 appeals out of 800. This was out of a population of 2,500,000, and thus a well-informed nation was made to appear a litigious one, from this confounded system. He had done his duty in bringing the question forward, and he would defy any Scotchman, not excepting members of the legal profession, to say that he had not justly stated the case. Before he sat down, he might refer to the opinion of the hon. Member for Glasgow, on the last occasion the question was brought forward; the substance of it was this,—he said he was no lawyer, he represented a large city, mixed largely with the inhabitants, and he stated, that there was a general feeling of disgust and dissatisfaction with the superior Courts. Gentlemen who knew the hon. Member must feel that it must be an urgent case which made him speak thus on such a point. He was satisfied he had shown a good case for being allowed to bring in a bill. He begged, also, to state, that he was called on to do this by the late Government; on the last occasion he brought this subject forward, he was asked, why he did not ask for leave to bring in a bill, and the hon. Gentlemen opposite cheered the suggestion. The bill would be a very short one, and he could not believe that the right hon. Baronet would refuse his assent to his bringing in a bill, by which alone the grievances could be remedied. The hon. Member concluded by moving for leave to bring in a bill to reduce the present number of Judges in the Supreme Court of Scotland from thirteen to nine, by abolishing one of the co-ordinate Courts of review into which that Court is divided.

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* A bill for the increase of salary.

Sir *J. Graham* could assure the hon. Gentleman that he had no reason to complain of a want of courtesy on his part, because, on a former occasion, he had, at his request, postponed his motion on account of the absence of the Lord-Advocate. In the continued absence of that learned Lord, it was his misfortune to have to encounter the present motion, without his able assistance; and such being the case, he should have hesitated on determining as to the expediency of not renewing his request, had he not felt certain, that in resisting the motion he might rely upon the support of almost the whole House. His opinion on the subject had been supported by the labours of a committee selected most impartially from both sides of the House, and when he considered the names of some of the Members who sat on that committee, he could not conceive a tribunal more likely to arrive at a sound conclusion, or one more entitled to the consideration of the House. In that committee many divisions had taken place, and upon every occasion the hon. Member divided alone; the subject had therefore undergone meet discussion. The hon. Member had not stated to the House what great changes had taken place in the judicature of Scotland. The Exchequer and Admiralty jurisdiction had been abolished, together with many others, and the duties of the Judges of those Courts were now transferred to the diminished number of Judges. Now, what had been said by the late Lord-Advocate on this subject? He stated before the committee, that after so many extensive changes, that which was really necessary to Scotland was some pause in those changes. Lord Chief Justice Clerk had given a similar opinion. The hon. Gentleman had spoken contemptuously of the manner in which the criminal justice of the country was carried on, and the manner in which the Judges conducted the Circuits. Now, for his own part, he must say, that he thought the manner in which the business was conducted, amounted almost to perfection. In discharge of his official duty, he had constant communication with the Judges in Scotland, and he would undertake to say a more proper discharge of official duty, could not be found in any part of the United Kingdom. The hon. Gentleman had stated, that the Courts of Law in Scotland were regarded by the people almost with disgust. The hon. Gentleman's motion was confined to obtaining leave to bring in a bill to diminish the number of Judges. The hon. Gentleman founded his motion on three anonymous letters. Now, he would rebut those three letters by reading the evidence of three witnesses that were examined before the committee. The first was the late Lord-Advocate, the second was the present Lord Justice Clerk, and the third the present Solicitor-general for Scotland. The hon. Gentleman had read pretty largely from the Report of the Committee, but there was one passage that bore on the motion which the hon. Member had studiously avoided reading. That passage was concurred in by all the Members of the committee except the hon. Member. [The right hon. Gentleman read a passage to the effect that the business of the Courts could not be carried on by one division alone.] With respect to the doubts entertained by the noble Lord opposite (Lord J. Russell), as to an increase in the salaries of Scotch Judges, he certainly shared in those doubts; but he differed, and continued to differ, with the noble Lord relative to the number of those Judges. He was satisfied, that the business of the Court of Session could not be conducted satisfactorily to the people of Scotland if the Judges were diminished. In the practice of the Court, written evidence was done away with, and oral evidence had begun to be generally resorted to, and every requisite reform was being brought into operation.

Mr. *Rutherford* said, that he was greatly surprised to find any dissatisfaction expressed with respect to the administration of criminal law in Scotland. The conduct of the hon. Gentleman (Mr. Wallace) was a specimen of the nature of the opposition got up against the Scotch Courts. The hon. Member had no means of informing himself personally respecting those Courts, but he gathered a series of what he considered facts from persons on whom he thought he could rely, and then on such information he came forward in that House, and in language the most reprehensible, censured the proceedings of the Supreme Court of Scotland. He hoped, there would be a pause to further change. Though he quite agreed that the Court of Session had many faults, he thought that its business was conducted in a much better manner than it had been; though still low, it was rising in public estimation. With these views, he could not support the motion of the hon. Member.

Mr. *Wallace* replied, there were thirteen Judges in the Supreme Court, and not more than twenty well-employed counsel. That fact stood uncontradicted. There were seven courts all sitting at the same time, and only five leading counsel to serve the seven. This, too, was uncontradicted. It required little algebra to show that this was not a proper state of things. Now, with respect to the Select Committee appointed to investigate this subject, thirteen witnesses had been examined before it. Six of these witnesses were looking out for judgeships. Two of them had been made Judges. Three of them were expecting to be made Judges. Such was the farce which had been acted in the committee, which was like the report completely one-sided. How did they get rid of the East-India monopoly, and the West-India monopoly, and all other monopolies? Were they in those cases guided by the testimony of those who were interested in the monopoly? Nothing could be more absurd, unsatisfactory, or disgusting in the opinion of the people of Scotland, than the administration of justice in the Supreme Court in Scotland, and the deference shown in this House to Lords Advocate and their opinions. Nothing could be more satisfactory than the administration of criminal justice in the County Courts. In the one case it was placed on a cheap footing, in the other on an expensive and bad one. The Judges did not sit in the Supreme Courts more than four months and a half in the year. He was perfectly satisfied that, with the exception of those parties who were interested in the present system, he would receive the almost unanimous approbation of his countrymen for bringing forward the motion. He did not complain of the administration of justice in the County Criminal Courts, but its administration in the Supreme Court was a positive farce. In Edinburgh there were three Judges sitting daily on the most trifling questions, even petty offences often committed by mere children, as well as on similar causes to those decided at Glasgow and elsewhere, with one or two judges at most. So little is there to do, they had to spread out the business as much as possible. There was nothing to prevent the sheriffs from performing the whole of the duty. He believed, that the opposition to a change arose from those who were interested in the present state of things, and in this belief he would divide the House upon his motion.

The House divided:—Ayes 22; Noes 187;—Majority 165.

List of the Ayes.

Brotherton, J.
Chapman, B.
Crawford, W. S.
Dashwood, G. H.
Duncombe, T.
Dundas, hon. J. C.
Fielden, J.
Forster, M.
Gill, T.
Hastie, A.
Hume, J.
Jervis, J.
Johnston, A.
Morris, D.
Mostyn, hn. E. M. L.
Murphy, F. S.
Napier, Sir C.
Pechell, Captain
Power, J.
Watson, W. H.
Williams, W.
Wood, B.

TELLERS.

Wallace,
Bowring, Dr.

List of the Noes.

Ackers, J.
Acton, Col.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Attwood, M.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baird, W.
Bannerman, A.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barrington, Visct.
Baskerville, T. B. M.

Bernard, Visct.
Blackburne, J. I.
Blake, M. J.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruce, C. L. C.
Buckley, E.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, A.
Cardwell, E.
Cavendish, hn. C. C.
Charteris, hon. F.
Chelsea, Visct.
Christopher, R. A.
Clayton, R. R.
Clements, H. J.
Clerk, Sir G.
Cockburn, right hon. Sir G.
Codrington, C. W.
Colebrooke, Sir T. E.
Collett, W. R.
Colvile, C. R.
Corry, rt. hon. H.
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Dalmeny, Lord
Damer, hon. col.
Denison, E. B.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.
Duncombe, hon. A.
Dundas, F.
Du Pre, C. G.
Egerton, Sir P.
Eliot, Lord
Escott, B.
Farnham, E. B.
Ferguson, Sir R. A.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, H. H.
Follett, Sir W. B.
Forbes, W.
Fuller, A. E.
Gaskell, J. M.
Gladstone, right hon. W. E.
Gordon, hon. Captain
Gordon, Lord F.
Gore, M.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenall, P.
Greene, T.
Grey, rt. hon. Sir G.
Grogan, E.
Halford, H.
Hamilton, J.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Hanmer, Sir J.
Hay, Sir A. L.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, R.
Holmes, hon. W. A.
Hope, hon. C.
Howard, hn. C. W. G.
Howard, P. H.
Ingestre, Visct.
Irton, S.
Jackson, J. D.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, Sir J.
Jones, Captain
Knatchbull, right hon. Sir E.
Law, hon. C. E.
Lawson, A.
Legh, G. C.
Leicester, Earl of
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Mackenzie, T.
Mackenzie, W. F.
Mc Geachy, F. A.
Mahon, Visct.
Manners, Lord J.
Martin, C. W.
Master, T. W. C.
Masterman, J.
Meynell, Captain
Miles, P. W. S.
Miles, W.
Morgan, O.
Munday, E. M.
Neeld, J.
Neeld, J.
Newport, Visct.
Nicholl, right hon. J.
Norreys, Lord
O'Brien, A. S.
O'Brien, J.
Packe, C. W.
Palmer, R.
Palmerston, Visct.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Pringle, A.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Rose, rt. hon. Sir G.
Round, J.
Rushbrooke, Col.
Rutherfurd, A.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Seymour, Lord
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Shirley, E. P.
Smith, rt hn. R. V.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, Lord J.
Stuart, H.
Sutton, hon. H. M.
Talbot, C. R. M.
Tennent, J. E.
Thesiger, F.
Thornhill, G.
Tollemache, J.
Trotter, J.
Turnor, C.
Vere, Sir C. B.
Vivian, J. E.
Vyvyan, Sir R. R.
Williams, T. B.
Winnington, Sir T. E.
Wodehouse, E.
Wortley, hon. J. S.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

POST-OFFICE.] Mr. *Wallace* said, notwithstanding the adverse opinion which has been pronounced by the House on the motion I have just now made, I beg to move for printing a return of what I call Post-office plunder. The question is, whether the return which shows all the moneys, whether bills of exchange, or notes, or gold, or trinkets, or other articles, which have been lost through the Post-office shall be printed, and those who wish to see the return printed will vote with me. I find the return for 1837 contains twenty-two pages, filled with those abstractions of money, bank notes, bills, &c. That for 1838 contains twenty-five pages; in 1839, it contains a still greater number; and in 1840, it contains no fewer than 273 pages; so that it appears this trade is increasing, and those who wish to encourage it will vote not to have these documents printed. My returns in 1836 exhibit abstractions to the amount of 600,000*l.* or 700,000*l.*, but what is the amount of the new returns I cannot yet know. The return is in three different parts, and the select committee for printing have ordered that two parts should be printed, and that the third, which contains the items, or its essence, should not. I suppose this has been caused by economy on the part of the committee. But if I had been informed, in proportion that the printing committee would not print the items, I would not have taken charge of the matter. In point of fact the return was originally moved for by Major Chetwynd, who took the same course which I have done. On looking over three or four pages of the return which is now to be printed, I find in each page that coins, bills of exchange, bank notes, money orders, cheques, drafts, chains, and patterns of silks, satins, and woollens have been abstracted, and I think one great cause of this is owing to the Post-office authorities not registering letters. I see two hon. Members present who were connected with the Post-office under the late Government, and who recommended improved registration. There is a great difference of opinion, report says, between the Post-office and the Treasury, as to registration, and therefore I believe, the whole body of the people will thank the House for agreeing to my returns. The people never know what becomes of the money which they transmit by post; and I believe the letter sorters, and letter carriers, and others in the Post-office, have got so expert in abstracting money out of letters, that there is no safety whatever in the transmission of money through the Post-office. I believe it is well worth the while of this House, to inquire into the subject, and the expense of the returns would be as nothing compared with the security which the people would feel if they knew that transmission through the Post-office was properly conducted. There has been already enormous expense incurred in the making up these returns. As to the motion which I have on the paper. I am perfectly indifferent personally how the House may deal with it. The hon. Member concluded by moving,—

"That the return, showing the applications which have been made to the Post-office for letters which were missing, and which contained money or money's worth, which return was presented to this House on March 4th, be printed; or failing in this, that a complete abstract thereof be made and printed along with the return, which was moved for in connexion with the above, and which was made to this House on the 18th of May, and has been ordered to be printed."

Sir *George Clerk* opposed the motion, and said that the returns moved for would not be worth the expense. It would be an unnecessary waste of the public money to furnish these returns, when there were already documents before the House, and accessible to the public, which contained all the information that could be afforded.

Mr. *V. Smith* thought the motion of the hon. Gentleman much too extensive. It went much further than the return of the 4th of March. It also exceeded the terms of the motion the hon. Gentleman made at a former time, which was for an account of the number of letters, from the 5th of January, 1837, to the 5th of January, 1841, franked or unfranked, applied or not applied for, containing money bills, or other property known to have been secreted by the servants of the Post-office; but to the terms of that the hon. Baronet now added the words "or money's worth." But then, by going into the "applications" for letters, the hon. Gentleman would throw a great deal of undeserved imputation on the servants of the Post-office. Now, when persons applied for letters, and not getting them, alleged that they had been lost in the Post-office, the fact was that many of the letters were lost between the writing and the delivery, and many more were lost after they were delivered to the servants of the applicants. He must oppose the motion in its present shape, on account of the great expense it would throw on the public, and the House was bound to support the view of the Printing Committee, whose duty it was to practise economy as much as they might with prudence.

Mr. *Hume* said, no doubt great abuses had been committed in the printing of returns. But there was a great want felt by the public for such information as was now asked for; and if to this were added the advertisement issued by the Post-office respecting the safety of Post-office orders, and the ease with which they could be got, the value of the documents would be increased. But the whole mass of returns moved for by his hon. Friend would be too cumbersome; he would, therefore, recommend his hon. Friend to accept the abstract which had been offered to him.

Mr. *F. T. Baring* fully recognised the importance of this subject; but there would be great difficulty in complying with the motion of his hon. Friend. However, he (Mr. Baring) thought an abstract would be of great value, and if the motion should have no other result than to make people more cautious in sending money and articles of value through the Post-office it would be of great benefit. He trusted it would extend the practice of sending Post-office orders instead of money; and indeed, considering the exceedingly careless manner in which money was frequently sent, it was too hard that people of the lower class, and scantily paid as many of the Post-office servants were —it was very unfortunate that they should be exposed to the temptations they now were through this negligence. He hoped, therefore, the advantages, facilities, and securities of the order and register systems would be fully impressed on the public. He admitted there might be some defects in the registry system, but it was a very difficult business, and it delayed the transmission of the letters considerably. He and his friends, for these reasons, fixed the fee at 1*s.* at first, in the hope that when the machinery was extensively used and supported, they might be enabled to reduce it, which he hoped might soon be done.

The *Chancellor of the Exchequer* concurred in the feeling and wishes expressed by the right hon. Gentleman. Nothing could promote the morality of the Post-office servants more than that people should cease from the practice of sending money, and transmit Post-office orders instead. When the facilities were made generally known with which an order for any sum up to 5*l.* might be procured; he hoped the practice of tempting poor people would soon be at an end—for the practice of sending money through the hands of the poor men who were in the service of the Post-office, was a system of temptation which needy men could not always resist. It should also, in fairness to this hardly worked class, be remembered that in the rapidity and quantity in which letters were sent, many of them, said to have been lost, were only mislaid by accident. As to missing letters the appearance was always worse than the reality, for though people would come to the office complaining that their letters had not reached, and though they would soon afterwards find those letters at home, they would not come back and say so. He would suggest the return should state the number of letters missing in each month, and the money they contained or were said to contain.

Mr. *Wallace,* in reply, said, that the advice which he had received from the other side, he had himself given; the suggestion would be found in his motion; therefore, he had no thanks to give them. He would open one page by chance of the return. [The hon. Member read a list of notes and money which had been stolen from the Post-office.] All this had been taken in one day. It happened that he knew a great deal about Post-office management, and doubted if the printing committee knew anything about it. It might be taken as a universal rule, whenever a bank note, or a sovereign, or gold passed into the Post-office, that it never was returned. Nobody ever heard of any property of this sort ever having been returned when demanded or inquired for; but he would admit to the Chanellor of the Exchequer, that when a letter contained a bill or property of that nature, which could be negotiated only with some difficulty, it might be recoverable, but there hardly was an instance of a letter containing coin which was once lost, having ever been recovered. He would appeal to his noble Friend, the Postmaster-general, if such was not the fact. He had no doubt, but that the Postmaster-general himself would wish to see the entire return published. He had newly came to the belief that it would be advisable to prohibit by law the sending of coin by letter. He would consent to take the abstract, although he felt that the abstract would not give the information which the return would give. He believed the system of plunder was so complete, and that the people at the Post-office could distinguish so well every letter containing money that nothing escaped them. He thought it was absurd to defend the conduct of the printing committee. Members were treated in the most cavalier way by the committee, and he thought he had just cause of complaint. He would accept the offer which had been made of the abstract, and withdraw his motion, in order to move for an abstract in placc of the entire returns being printed.

Motion withdrawn.

SURVEY OF NEW ZEALAND.] Lord *Ingestrie* moved—

"That an humble Address be presented to her Majesty, praying that she will be graciously pleased to order a Maritime Survey of the Coasts and Harbours of the Islands of New Zealand."

As a proof of the growing importance of New Zealand, he would mention that in one year 152 ships had entered Port Nicholson, and during the same period eighteen vessels had been wrecked on the coast. This showed the necessity of having a survey in order to have correct charts. There was no department of the Admiralty more useful than the Hydrographer's. As he did not wish to press suddenly upon the resources of that department he would qualify his motion by adding to it the words "when vessels can be spared for that duty without inconvenience to the public service."

Captain *Pechell* was glad the noble Lord had called attention to the subject. The Government, he thought, ought to explain why the survey had not taken place long since. He agreed with the praise which had been bestowed upon the Hydrographical department of the Admiralty. There was no department better conducted, and none worse paid. The position of the hydrographer's office was truly disgraceful, in a miserable garret at the Admiralty. At the time he was on the coast of America during the American war, there was frequently an error of a degree of longitude in the charts of the American coasts, so that it was quite unsafe to trust to them. He was sorry the noble Lord had listened to the suggestion which had been made to him, to make the addition to his motion which he had done. In fact, there was no intention whatever to make the survey. It might perhaps be made in the course of the next twenty years, but it ought to be made immediately.

Motion agreed to.

FINES AND RECOVERIES BILL (WALES AND CHESHIRE.] Sir *J. Graham*, in moving for leave to introduce a bill "for remedying defects arising from the misprision of Officers in recording Fines and Recoveries in Wales and Cheshire, and for better recording the same," said, that under the ancient jurisdiction of fines and recoveries, there had been very gross neglect. When he said neglect, he used the mildest term, for he had reason to believe that some very improper transactions had taken place in that department; so much so, that many titles had been jeopardised. In providing a remedy great care should be taken not to injure those titles which had been affected. This was a subject of the greatest importance, and he had not introduced this bill without first consulting the highest legal authorities.—Leave given.

House adjourned.

HOUSE OF LORDS,

Friday, April 29, 1842.

MINUTES.] BILLS. *Public.*—$1^{a.}$ Soap Duties Drawback; Timber Ships.

Private.—$1^{a.}$ Charterhouse Estate; London and Blackwall Railway; Great North of England (Clarence and Hartlepool) Railway; Saundersfoot Railway; New Cross Roads; Granton Pier (No. 2); Great Torrington Market; Kirkintilloch Roads; Northern Coal Mining Company.

$2^{a.}$ Bolton and Preston Railway; Tulloch Estate (Davidson's).

Reported.—Ormesby Inclosure; Stanhope and Tyne Railway; Elegg's Divorce; Kingsclere Inclosure.

3^{a} and passed:—Birmingham and Derby Junction Railway; Castlerigg and Derwentwater Inclosure; Severn Navigation.

Received the Royal Assent.—Spirit Duties (Ireland); Corn Importation; Edinburgh and Glasgow Railway; Nottingham Gas (No. 1); St. Austell Market.

PETITIONS PRESENTED. By the Earl of Winchilsea, from Fruit Growers in the county of Kent, for an Alteration of the present Import Duty on Foreign Fruit.—From Northumberland, against the Income-tax.—From Gateshead, praying that the Ancient Right of Nominating Justices of the Peace in Boroughs may be restored to the Town Councils.

CASE OF MR. BIDDULPH.] The Marquess of *Normanby* said, that a few days ago he had given notice of a question which he intended to put to his noble Friend at the head of the Government of Ireland, and in so doing it was his intention to occupy only so much of their Lordships' time as would be sufficient to put them in possession of the facts of the case. He could assure their Lordships, that he had no wish to press hardly against an individual, but he acted solely from a sense of duty. It would be in the recollection of many of their Lordships, that a motion was last year made relative to the trial of certain parties who were charged with firing at a magistrate (Mr. Biddulph), and the jury not being able to agree, they were discharged. The conduct of the jury had been impugned as not having been a fair one, or fairly chosen; but he had the authority of the Solicitor-general of Ireland, who conducted the prosecution, for stating that the jury was a fair one, and fairly chosen. In the month of July another jury was impannelled to try the same parties, but that jury was discharged in consequence of one of their number having fallen ill, and the prisoners, though the offence charged was a capital one, were admitted to bail. He had read the account of the third trial in two newspapers of opposite political principles, and he would say, of important trials, that they were generally given with great fairness, without reference to any political opinions. In the third trial (in which the accused were acquitted) it was extracted from Mr. Biddulph himself, in a cross-examination, that he had between the first and second trial endeavoured by his agent or steward, to persuade the accused parties to fly from justice. It appeared in the reports to which he referred, that the agent of Mr. Biddulph went to the father of one of the accused, and tried to persuade him to induce him and the others to abscond. The father then asked him what would become of the bail in that case? when the man said, that very likely the Government would not press them. Now, if this statement were correct, if it was true that a magistrate, whose duty it was to assist in the due administration of justice, had counselled and persuaded a course by which the ends of justice would be defeated, he thought that a sense of justice should have induced the Government to notice it. It might be that Mr. Biddulph had been actuated by humane motives, but he should have, at all events, been called upon for some explanation of his conduct. Suppose the parties had been influenced by Mr. Biddulph's advice and fled from justice, would not the fact be made a ground of imputation on the first jury, who could not agree as to their verdict? He avowed that he was much surprised at finding that no Member of the Government of Ireland knew anything about this case, though it had obtained great notoriety by being published in many of the Irish papers. He thought, that at the close of each assizes the Crown solicitors sent a confidential report of the chief trials, which were forwarded to the Attorney-general, by whom they were brought under the consideration of the Government, if that were thought necessary. That had been the practice—and if that excellent practice had been adhered to, his noble Friend at the head of the Government in Ireland would have been made acquainted with the fact long before now, and, no doubt, would have taken that course which it called for.

Earl *De Grey* said, that when his noble Friend first mentioned the circumstance to him, he said what was the simple fact—that he knew nothing about it; though his noble Friend had said, that he had admitted that there was remissness somewhere with respect to it.

The Marquess of *Normanby*: My noble Friend will allow me to set him right. I did not say that he had admitted remissness somewhere, but that I had said there must be remissness somewhere. It was a mistake in the report in one of the papers. Other papers gave it as he said it.

Earl *De Grey* had read it in one paper as he now mentioned it. He did not think he should have noticed the case at all if it had not been made the subject of unfair, unjust, and unfounded comments elsewhere. His noble Friend must know, that persons in high and important offices have something else to do besides reading newspapers, and therefore it could not be a matter of surprise that the reports of the trial in question should have escaped his notice, though published in some of those papers. It was the practice for the Crown prosecutors to send to the Attorney-General at the close of the assizes a report of the chief trials, and he called the attention of Government to any of them which he thought deserved notice. As the same Gentleman who now held those offices had held them before he went to Ireland, he presumed that the same practice was still continued. He should have thought, that if the judge presiding in an assize court saw anything wrong in the conduct of a magistrate connected with the discharge of his public duty, he would not hesitate to notice it in such terms as the case required; and certainly, if such a case as his noble Friend had represented had come under the notice of Lord Chief Justice Pennefather, than whom a more able and impartial judge did not exist, he thought it would not have been suffered to pass without some notice or some representation to the Government; but no report had since been made by that learned judge. It was true that the learned judge had been very ill since the assizes, but no report or remonstrance or memorial of any kind had been sent to the Government on the subject from any person. With respect to Mr. Biddulph, he knew nothing of him or of his political principles one way or the other. If he had acted wrong the matter was now in right hands, and would soon be set to rights. He had expected some communication from Dublin on the subject by that morning's post, but it had not arrived. He had heard that Chief Justice Pennefather had since sent a report to the Lord Chancellor, as one of the Lords Justices, but as yet he was not in possession of the details. Another public officer, by whom some notice of the case might have been taken, was the Lord-lieutenant of the county, as he was at the head of the magistracy in his county, and the very able, intelligent, and impartial gentleman who held that office was not one likely to pass over such a circumstance if it had been brought under his cognizance. However, he had recently directed that a statement of the whole circumstance, as it occurred, should be prepared and forwarded to him. It was a matter of indifference to him personally, whether Mr. Biddulph should be able to explain the case satisfactorily. He would do what the justice of the case required without reference to any other consideration.

The Marquess of *Normanby* said, that after the statement made by his noble Friend, he would not press the matter further at present. As his noble Friend had sent for full information on the case, he would wait until that information should be before the House.

Earl *Fortescue* said, that such a case as that stated by his noble Friend the noble Marquess near him ought not to have escaped the notice of Government, particularly after the publicity which it had obtained through the newspaper press. It would be in the recollection of some noble Lords that imputations had been cast on the Solicitor-general for Ireland for not having got a verdict in the first trial, but after a fair and impartial charge from the Chief Justice, the jury acquitted the accused on the third trial. It was in the course of his cross-examination on this trial that it was wrung from Mr. Biddulph that he had advised the accused to fly from justice. If this case should turn out to be as it was represented, he hoped that it would not pass over without the particular notice of the Government of Ireland.

Subject at an end.

Appointment of Borough Magistrates.] The Marquess of *Normanby* was anxious to call the attention of their Lordships to a petition, of which he had given his noble and learned Friend on the Woolsack notice, as it referred to some statements made by his noble and learned Friend on a former evening, when he had occasion to present a petition from the town-council of Hull. The petition which he had now to lay before their Lordships was from the mayor and town-council of Gateshead, and they complained that his noble and learned Friend had been misinformed, or had fallen into an involuntary error, when he stated on the evening referred to that in the appointment of magistrates of boroughs he had in no case reversed the position of the Liberals and Conservatives by taking the majority from the former and giving it to the latter. The petitioners stated that in the case of their own borough, the number of Conservative magistrates were so increased that the Liberals were now in the minority. The statement made by his noble and learned Friend on the former evening went on to add, that it had not been his intention to swamp the Liberal magistrates by an overflow of Conservatives, but rather to dilute the bodies already existing by a fair admixture with the Liberals, which, in every case, he found to constitute the great majority. Now, that statement of his noble and learned Friend, put as it had been by him in his usual able manner, was calculated to produce, and, in fact, had produced, a very great effect; but on examining the returns more closely it would be found that the statements of his noble and learned Friend had not been borne out by the fact. The Liberal majority had been reversed in Bath, so it had been in Chester, and in one or two other places. He was anxious to direct the attention of his noble and learned Friend to those particulars which he conceived to be at variance with the statements made on a former occasion. His complaint was, that about 300 magistrates had been created by his noble and learned Friend without reference to any public body as to the fitness of the parties so selected.

The *Lord Chancellor* said, that it was very irksome to him to be called up night after night to enter into explanations of statements made by him with respect to particular boroughs, and it must be irksome to their Lordships to sit and hear these dry details. He owned that he could not but admire the *nonchalance* of his noble Friend, who, after a lapse of two or three weeks, brought forward two or three cases in which he contended that the position of the Liberal and Conservative magistrates had been reversed, and the majority taken from the former and given to the latter. In the case to which the noble Marquess had particularly referred, and of which notice had been given, he trusted he should be able at once to give satisfactory information. Had the noble Marquess given notice of his intention of bringing Bath and Chester under the consideration of the House, he had no doubt he should have been able to have given an explanation equally satisfactory; but it was really too much out of 142 boroughs to call upon him, without previous notice, to give an account of the manner in which the appointments had been made in one or two cases selected for the purpose. He trusted he might be able to give a satisfactory explanation with respect to Gateshead. Before he did so, perhaps their Lordships would allow him to state the position in which ministers were placed when they first came into office. There were in the county of Durham five very populous boroughs. Gateshead was one, Sunderland was another, Stockton-on-Tees was a third, Durham a fourth, and lastly, there was the populous borough of South Shields. Would their Lordships credit it without further evidence, that at the moment they came into office, in these five boroughs, populous as they were, and with so many magistrates, there was only one Conservative justice of the peace? Three of these boroughs were boroughs made by the Reform Bill, and the whole of the boroughs were almost exclusively governed at the period to which he had referred by magistrates of the same party, of the same principles, and of the same politics as the noble Marquess. Having stated this, he would explain the particular case of Gateshead. Gateshead was situated in an extremely populous district, requiring a great number of magistrates, and was not easily managed by six magistrates. Of these six magistrates one was a Conservative and five were in the Whig interest. Such was the example set him by the noble Marquess. Now the influence of magistrates over the elections for Members of Parliament was by no means inconsiderable. They exercised a great influence in the licensing of public houses, and what would their Lordships say when he told them that the noble Marquess's friends had taken care that the one Conservative magistrate of Gateshead should have no influence in the licensing of public houses? It so happened that this one Conservative was a brewer, and his profession, by law, excluded him from all participation in the licensing of public houses. As Gateshead was a very populous place, they (the Ministers) had considered that six magistrates were not a sufficient number, particularly as one of them resided seven miles from the place. They had, therefore, appointed six additional magistrates, and in so doing they had readjusted the balance between the two political parties. The situation of Gateshead, moreover, was of a peculiar nature. It was divided only by the river from Newcastle, so that the two towns might be said to form only one, in the same way as London and Southwark. Now, in Newcastle there had been only one Conservative to ten whig magistrates. The noble Marquess was a consummate actor. A remarkable circumstance had struck him, in looking over the returns which had been laid before Parliament relative to this subject. On a former evening the noble Marquess stated as evidence of his great moderation and forbearance, that although he had held the office of Secretary for the Home Department for a year and a half or two years, he had not during that time appointed more than fifty or sixty magistrates. Why, the fact was, the noble Marquess, on entering office, found the bench choke full of Whigs and Radicals, and he had no occasion to exert himself in the matter. It was true, that the noble Marquess remained quiet for a long period after entering upon his office; but when did he first begin to appoint magistrates? It was important that their Lordships should look to that point. The noble Marquess first began to appoint magistrates about the end of May, and the dissolution of Parliament took plaee in the middle of June. The appointments were made preparatory to that event. Eight magistrates were appointed in Birmingham, five at Harwich, three at Northampton, one in the sacred borough of Taunton, five at Bridgewater, and three at Hastings; in every one of which boroughs severe and active contests took place at the general election. Thus twenty-four magistrates out of fifty were appointed just on the eve of a general election. Up to that period, the noble Marquess had staid his hand, being of opinion that there was no necessity to appoint fresh magistrates for the performance of ordinary magisterial duties, but then he all at once appointed twenty-four, and who could doubt the motive of the act? When he spoke of motives, he meant merely party motives; he did not wish to carry the matter further. After these appointments, the general election took place, and nothing further was done by the noble Marquess for a considerable time. Every thing that could be done as regarded the election had been done; but on the 19th of August, the very day of the meeting of Parliament, when the fate of the Government was decided, the noble Marquess began to renew his activity. Then was the time for the Ministers to reward their partisans; they felt it necessary to make the most of their time, and accordingly between the 19th of August and the 27th of that month, a period of eight days, how many magistrates did their Lordships suppose the noble Marquess created? Only thirty-three. That made up the number of fifty-seven appointed by the noble Marquess under such circumstances, and yet the noble Marquess took credit for his abstinence and forbearance! How, after having pursued such a course of conduct, the noble Marquess could have ventured to renew the attack upon him, was indeed astonishing. One word more with respect to following the advice given by the town-councils. It was all very well to follow the advice of those bodies when they were of the same politics with yourselves. But what had been the conduct of the late Ministers with respect to Poole? This was a case to which he ought to have referred the other night? At the time of the passing of the Municipal Reform Bill, there was a Conservative town-council in Poole, and they recommended seven persons, and very proper persons they were too, to the Secretary for the Home Department, to be appointed magistrates. What did Lord John Russell do? He rejected every one of them, and he appointed six Whig or Radical magistrates, and one Conservative. Who was the Conservative? It was quite astonishing to observe with what perspicacity this single exception to the general rule was made. The Conservative appointed by Lord John Russell actually voted for Sir J. Byng at the election. Really the noble Marquess ought to be cautious in meddling with this subject. He had referred to only one case; but he could assure the House, that he had a whole batch of them at hand. So utterly untenable was the position which the noble Marquess had taken up, that he could not even guess at the motives which had influenced him in calling the attention of the House to the subject, unless it was intended as a piece of practical irony. The noble Marquess must surely have intended to say, in effect, "Ah, you Ministers do not know how to reward your partisans; we are the people without scruple, without measure, without stint, to reward and support those who adhere to us, and are our partisans in politics." In conclusion, he must express a hope that their Lordships would think the explanation which he had given satisfactory, and that, at all events, if he had sinned, his offence was scarcely visible in comparison with the accumulated mass of sin committed by the late Government.

The Marquess of *Normanby* observed, that the returns before the House contradicted the statement which the noble and learned Lord had made, no doubt on misinformation, on a former evening. The noble and learned Lord then stated distinctly, that in no case had he reversed the majority; but he had stated four instances in which that had been done, and he could have gone further. The fact was admitted with respect to Gateshead, and if the noble and learned Lord had looked to Bath, he would have found that he had been deceived by the information on which he had made his statement on a former occasion. As to what the noble and learned Lord called the accumulated sins of the late Government, and what had happened during the last month of his administration of the Home Office, he utterly denied and repudiated the notion that he had made any addition to the magistracy with a view to the election. The case of Birmingham had nothing to do with the election. After the riots which occurred in that town, and the doubts which prevailed with respect to the validity of the charter, many of the magistrates refused to act, and it was absolutely necessary for the due administration of justice to appoint fresh ones. Bridgewater was a similar case. A majority of the magistrates declined to act, and the remaining magistrates made a representation to the Home Office, stating that they were so confined to the discharge of the duties of their office that they could not stir from their homes, and, in consequence, additional magistrates were appointed there. At York, also, he had added four magistrates, on receiving a representation that the number of acting magistrates there was insufficient. But had he in that case sought to advance the interests of the party with which he was politically connected? No; he appointed two Whigs and two Conservatives. It was easy for the noble Lord to state that such motives had influenced the appointments generally; but as he had stated, speaking from recollection merely, that in the cases to which he had referred no such motives had regulated his conduct, their Lordships were bound to give him credit for having acted in the same spirit upon other occasions. The noble and learned Lord had been pleased to suppose that he had intended his interference in this matter as a piece of practical irony, with the view of showing that the present Government were not sufficiently ready to patronise their friends, but would the country entertain that opinion when they saw that the present Administration had appointed upwards of 360 magistrates of one particular class of politics, who were called for by no necessity? It might be very convenient for the noble and learned Lord to assign particular motives for the appointments made by the late Government, and to receive their Lordships' cheers for doing so; but he was not afraid of any such motives being imputed to them by the public. The country would perceive that he had called attention to a circumstance which it was important should be noticed, namely, that a great addition had been made to the magistracy without consultation with the town-councils, but upon private communications received from political partisans.

The *Lord Chancellor* read from a return the names of places in which the late Government had appointed thirty-three magistrates between the meeting of Parliament and the 27th of August.

The Marquess of *Londonderry* was surprised, that after what transpired on this subject on a former evening, the noble Marquess should have again brought it forward. That, however, was a matter of taste. His noble and learned Friend on the Woolsack had properly alluded to the accumulation of sins on the noble Marquess, in consequence of his appointments of borough magistrates. A reference to Sunderland would show some ground for this accumulation. In Sunderland the ten magistrates were all Whigs, and they would not grant a licenee for a public-house to any but their own party. In Gateshead there had been an addition of some two or three Conservatives, but still, taking the two together, the balance of both parties would be found equal. With regard to the county of Durham, if the noble Marquess challenged the appointments in the boroughs, let him look to those of that county. Did he know the state of that county with respect to the magistracy? It consisted of about fifty magistrates, out of which only sixteen were Conservatives and all the rest were Whigs. He had lately received a communication from a highly respectable gentleman at South Shields to this effect, that the borough of South Shields was happily not one of the municipal corporations; that the magistrates were necessarily those of the county; but that with a population of 25,000 inhabitants there was only one resident magistrate; that that magistrate was assisted by others residing in the neighbourhood, but that they were Whigs, and he did not hesitate to declare that the Conservative party were not satisfied with such a state of the magistracy. That was the state of the county of Durham, and of all places, that was the last that the noble Marquess should have chosen as the subject of his animadversions. He was the last man, too, who should have made such an attack on that (the Ministerial) side of the House with regard to the appointment of magistrates.

The Marquess of *Normanby* utterly denied all the imputations and suspicions of the noble Marquess, and would assert that they were utterly groundless and without foundation. He had received a petition from a respectable body of persons, who desired him to present it to their Lordships, and in what he considered to be the discharge of his duty he did present it. But he would not allow the noble Marquess or any other person to throw any imputation upon him for doing that which he considered the proper discharge of his duty.

The Marquess of *Londonderry* said, he thought the noble Marquess was acting now upon information as erroneous as that he had acted on in Ireland; but the noble Marquess had certainly received such a castigation that he doubted whether he would ever touch the matter again.

The Earl of *Radnor* could not help expressing his unfeigned disgust at the mode of appointing the magistracy attributed to his noble Friend, and admitted and defended by the noble and learned Lord on the Woolsack. He knew not whether his noble Friends who were lately in office had acted in the way imputed to them by the noble and learned Lord, but if they had, and the noble and learned Lord could justify the assertions he had made then he could only say that the noble and learned Lord ought to get some Friend in the other House of Parliament to impeach the late Administration. The noble and learned Lord said, that the appointments were made for election purposes, and to reward friends and followers. If that were so, it was a high crime and misdemeanour; and if the noble and learned Lord's imputation were founded on facts, and he could bring proofs of it, then the noble and learned Lordo ught to procure some person in the other House to get up articles of impeachment against his noble Friend below him (the Marquess of Normanby) and Lord J. Russell for their conduct. But he would go further; he could not but express his surprise at the line taken by the noble and learned Lord upon this occasion. The noble and learned Lord had thrown out imputations against the late Government for the mode in which they had acted; but he justified the proceedings of himself in the appointment of magistrates by the example of his noble Friend, and the necessity of having an equal number of magistrates of different politics on the bench. Now, it was not said, that any magistrate who had been appointed had acted improperly, and he should have thought, that before other magistrates were appointed, the inquiry should have been, not what were their politics, but what was their conduct; not whether they were Whig or Tory, but whether they had conducted themselves properly, and with satisfaction to the people. The noble and learned Lord, however, said nothing upon that subject. But the noble Marquess who spoke last, expressly stated, the other day, and it was also stated in the letter, part of which the noble Marquess had just read, that none of the magistrates of whom complaint was made, because they were not Conservatives, had suffered their politics to influence their conduct on the bench. Why, then, were they to be arraigned? Or why were the persons who appointed them to be arraigned for doing so, and to be charged with appointing them for party purposes? But what he most deprecated, was the sort of justification and the defence of such conduct laid down by the noble and learned Lord on the Woolsack. It was the last that such a person as the noble and learned Lord, in the situation which he filled, ought to tolerate—it was the one he ought most to abjure; it was contrary to every principle of justice. Having heard the speech from the noble and learned Lord, he could not refrain from putting in one word for the people of England, and to protest against the idea that justice was to be administered, not by fit persons, qualified by their behaviour, good conduct, or general demeanour in the situation of magistrates, but in consequence of their politics. He protested against the doctrine, as most improper, and one that was likely to produce disapprobation amongst the people as to the mode of administering justice in this country.

The Earl of *Warwick* said, that with respect to the licensing of public-houses, the magistrates having been appointed as political agents themselves, could not be found fault with for the houses they licensed. In the town in which he himself lived, there had not been, since the Municipal Corporation Act, a single house licensed that had not belonged to one party. That operated in the strongest manner. The town of Birmingham had been mentioned; now in that borough, under the Municipal Bill, there were appointed twenty-five borough magistrates, of whom four were Conservatives, one was doubtful, and the other twenty were Liberals. To Coventry twelve magistrates had been given; rather an over-proportion; and how were they divided? Every one was a Liberal. The next town was Warwick; there, out of six magistrates, five were Liberals, and only one Conservative. At Stratford-on-Avon, there were two Liberals and one neutral. But what was the state of the county of Warwick when the present Administration came into office? How many did their Lordships think were Conservative magistrates? Out of upwards of forty, there was but one.

The Marquess of *Normanby* said, the noble Earl who had just spoken, had charged the magistrates of Warwick with giving licences expressly to people of their own political opinions; but he wished to ask the noble Earl whether he had ever ascertained that that was really the fact?

The Earl of *Warwick* observed, that it was very easy for the magistrates to say to different applicants for licences that they thought such a man was better than another.

The Marquess of *Normanby* said, he had been charged with appointing magistrates at particular periods; but he could only say, that he appointed them when representations were made to him by town-councils of the necessity for more magistrates for the administration of justice, and he did think that he should have departed from his duty if he had been guided by any prospective feeling of the duration of the Government, or if he had not done that which it was obviously his duty to do by appointing magistrates.

The Duke of *Wellington* said, that in consequence of what had fallen from the noble Earl on the other side, he thought it right to call the attention of their Lordships to what his noble and learned Friend had stated upon this subject some evenings ago. His noble and learned Friend stated then, that having found on examining the lists of magistrates that they had been appointed generally on party principles, he had considered it his duty to remedy that evil, and inconvenient, as it undoubtedly was, because there was no doubt that, however well a man might conduct himself in performing his duties as a magistrate, yet there was a decided majority on one side, and that it shook the confidence which the people had in the administration of justice; his noble and learned Friend stated, that he had reviewed those lists of magistrates, and thought it his duty to place them more nearly upon an equality with respect to party than they had been theretofore; but his noble and learned Friend said, that in no instance, to the best of his recollection, had he made any sudden change in the party who had the majority in the corporations which he had under his revisal. Under those circumstances, he must say, that his noble and learned Friend had not rendered himself liable to the attack made on him by the noble Earl on the other side. He thought it right to call their attention to what his noble and learned Friend stated, to show that he did not deserve that charge made against him. The noble Marquess said, that his noble and learned Friend had not acted exactly in the way laid down in former instances. He was not sufficiently informed to know how the matter stood in the particular cases mentioned by the noble Marquess, but this he must say, that his noble and learned Friend was not liable to be charged with having established the appointment of magistrates on party principles; on the contrary, he had endeavoured to establish in that House the principle of the appointment of magistrates for the performance of a duty; and so little for party principles as this, that he was cautious not to make too sudden a change of the party who happened to have the majority in the corporations to which he had directed his attention.

The *Lord Chancellor* said, that if the noble Earl had been present on the other evening, he would have heard him quote on that occasion the opinion of a noble Baron now no more, whose opinions were always held in that House in the greatest respect, and also the opinion of his noble Friend who had lately occupied the Woolsack. He stated that those opinions were the guide of his conduct with respect to the magistracy, and that he had acted in strict conformity with them. As the noble Earl was not present he would quote them again, and it should be observed that it was with reference to a similar question that they had been expressed. The late Lord Holland said—

"The real responsibility of appointing magistrates rests with the Lord Chancellor, and it is the duty of that high functionary to recommend only such persons as he deems duly qualified to discharge the important duties reposed in them. I do not mean to impugn the motives or question the actions of men of any political party; but, in common, I believe, with the great mass of the country, I think, if men of one particular class alone are admitted to this important office, though justice itself may not be corrupted, the administration of it may be subject to doubt and suspicion."

His noble and learned Friend expressed himself in terms more decided; he said—

"It is my opinion (this he read in the presence of his noble and learned Friend) that there should be an admixture of the opinions of both parties."

And that was said in vindicating himself when he was attacked in reference to his appointment of magistrates.

Lord *Lilford* said, that the late Lord Holland not only had the opinion just quoted by the noble and learned Lord, but always acted upon it.

The Earl of *Radnor*, in reply, said he agreed in all that was reported to have been said by the two noble Lords, and he wished that those opinions had always been conformed to.

Lord *Wharncliffe* said it was, in his opinion, very inconvenient that questions should arise in that House respecting the appointment of magistrates. It should always be assumed, that a magistrate would act independently; he had sworn to do so, and it should be assumed that he would do so. But his noble and learned Friend's defence was this—that he found when he came into office that the late Ministry had filled the bench with persons holding their own political opinions. The noble Earl opposite had asked, if there had been any complaints? Although there might not have been any from the town-council, there had been complaints from persons in the places where the persons acted, and there did grow up an opinion in those places that justice was not fairly administered; and it was, therefore, the duty of the Lord Chancellor to reform the bench, and to give people a confidence in the administration of justice. He acknowledged to have made the motion to which Lord Holland had alluded, and he did it as a warning. He saw that the Ministers were filling the bench with their own adherents, and when Lord John Russell avowedly, in the other house, said he would do it, he took the opportunity of protesting against it.

Discussion at an end.

FOREIGN FRUIT.] The Earl of *Winchilsea* presented a petition from East Kent, against the proposed duty on foreign fruit in the tariff. Where it was clear that an act of injustice was about to be committed by the Legislature, it was its bounden duty, when the evil was pointed out, to retrace their steps. The only ground on which, in his opinion, protection should be given to any interest, was, when it could be fairly shown that individuals had been induced by legislative interference, to invest their capital in a particular branch of trade. The average price of culinary apples for the last eight or nine years was 3*s.* 4*d.* the bushel, and for the last two years, since the reduction of the duty, 2*s.* 6*d.* The expense of bringing this fruit to market was not less than 1*s.* 6*d.*, which left 1*s.* 10*d.* for gathering, tithes, and all the other expenses. He asked, whether the public had any right to complain of such a price. The best proof they had not was, that no petition was ever presented against the price at which apples were sold. If foreign fruit were let in at 6*d.* a bushel, the greater part of the orchards in Kent must be thrown out of cultivation, and men who had invested their capital under Government security, that the protection to it would be continued, must be ruined. The petitioners did not ask for prohibition, but for a fair return on the capital which they had expended. The increase of smuggling under the new law must be immense.

The Earl of *Radnor* had a word or two to say on the subject of apples. Protection was reduced four years ago, and the noble Earl opposite was labouring for the reimposition of that protection. The very same predictions were indulged in by the central committee of the apple trade, in a circular which they issued at that time, as those which the noble Earl now so vehemently enforced. Yet, by this document, it was shown that the price of apples had fallen under the former high duty, from 10*s.* 6*d.* to 2*s.* 4*d.*, and the noble Earl had stated that the price, under the reduction of duty, had risen to 2*s.* 6*d.* This certainly was no strong inducement to place implicit credit in all the assertions which the parties interested made, as to the effects which a reduction of duty must have on their trade. He did not think the Government had gone far enough with regard to this article; for their measure must have the effect of trebling the protection in some cases. He could only account for this departure from the principle of the tariff by the reasons given by one Gentleman to another, as they recently travelled in a diligence in Holland, and which had been told him by a gentleman who did not belong to either House of Parliament. "I can't understand," said one of these gentlemen, "the principle on which this tariff is framed. You have taken the duty off onions and raised that on apples." "Oh," replied his companion, "the reason of that is, that there is a gentleman, named Knatchbull, in the Government, who lives in a part of the county called Kent, where a great many apples are grown."

Petition laid on the Table.

ELECTION PETITIONS.] Lord *Brougham* said, that as several reports had been made as connected with the general notice which he had given last Session, he would now put off his notice till Monday next, when he would certainly bring it forward. At the same time, he must state that he had looked in vain in the proceedings of the other House for a compliance with, or an indication of a compliance with, an important provision of the Bribery Act which their Lordships had passed in the last Session of Parliament. He had looked in vain for a compliance with the provisions of the act in the proceedings of several committees which had reported on the subject of bribery. They had reported against the sitting Members in certain cases, and they had been unseated on the ground of having been returned by bribery. A clause in the act directed, in respect to these committees,

> "And also that they shall report whether or not it shall have been proved that such bribery shall have been committed with the knowledge and consent of the sitting Member or candidate."

It might be that the report on this point did not appear on the votes, but he thought it was indispensably necessary that it should so appear. This clause had been retained in the bill by their Lordships, and a most important clause it was. It enacted, that election committees should receive evidence of the whole matter of the allegation of bribery, without the necessity of previously proving agency; nay, more, it directed that the committee should report separately and distinctly on the facts of bribery. This involved more than a general charge of bribery.

Their Lordships adjourned till Monday.

HOUSE OF COMMONS,

Friday, April 29, 1842.

MINUTES.] NEW WRIT.—For Brighton, in the room of J. N. Wigney, Esq., Chiltern Hundreds.'

BILLS. *Public.*—1°· Fines and Recoveries (Wales and Cheshire).

2°· Parish Constables.

Private.—1°· Birmingham and Liverpool Junction Canal (No. 2).

2°· Forth Marine Insurance Company.

Reported.—Ardrossan Harbour; St. Philip's (Bristol) Bridge; Gosport Pier.

3°· and passed:—Granton Pier; Saundersfoot Railway; New Cross Roads; Kirkintilloch Roads (No. 1); Northern Coal Mining Company; Great North of England (Clarence and Hartlepool Junction) Railway (No. 1).

PETITIONS PRESENTED. By Mr. Shaw, Mr. Sergeant Jackson, and Mr. Young, from Lurgan, St. Mary's, Shandon, Cork, Sclull, Kilmacabea, Ross, Dromore, the Diocese of Kilmore, and other places, against the present System of Education (Ireland).—By Mr. Ormesby Gore, Mr. Ord, and Mr. Stansfield, from Attornies at Bridlington, Bridlington Quay, and Huddersfield, for the Repeal of the Stamp Duty on their Certificates.—By Mr. T. Duncombe, from the Shoemakers of Marylebone, against any Reduction of the Duty on Foreign Leather, and Boots and Shoes.—By Mr. Wallace, from Greenock, against any Duty on the Exportation of Coals.—By Mr. O'Connell, from Castletown, for the Repeal of the Corn-laws.—By Lord Robert Grovernor, from Chester, for the Introduction of a Clause that all Rates required for the use of Municipal Corporations shall be raised, levied, and collected separately from the Poor-rates.—By Mr. Hume, from certain Congregations of Freethinking Christians in St. John's-square, Clerkenwell, against the practice of taking Oaths.—By Lord Eliot, from the King's County, in favour of the Drainage (Ireland) Bill.—By Mr. Brotherton, from Pendleton, and Capperal Hill, near Oldham, against the Employment of Females in Coal Mines. —By Mr. R. Godson, and Sir R. Peel, from Kidderminster, Paisley, and the Glasgow Conservative Operatives Association, in favour of the proposed Commercial Reforms and Financial Measures.—From Staines, and Bootle, against any further Grant to Maynooth College.—From Corbay, for rendering Valid all Marriages solemnized by Presbyterian Ministers in Ireland between Members of the Established Church and Protestant Dissenters.—From Watford, Grimsby, Newport (Salop), St. Luke's, Roxburgh, and Berwick, against the Property Tax.—From Coggshall, Halsted, Colchester, and other places, against Reduction of the Duties on Seeds.—From Billinbro, Imham, Thurlby, Maidenhead, Edenham, and Wantage, against the Importation of Foreign Cattle.—From the Huntingdon Literary and Scientific Institution, for Exemption from Rates and Taxes.—From Maker, and St. John's, for Repeal of the Poor-law Amendment Act.—From the Central District of Finsbury, for the Redemption of the Tolls on Waterloo, and the other Metropolitan Bridges.—From the Chamber of Commerce and Manufacturers at Glasgow, for Alteration of the method of Levying the Duty on Railroad Passengers.—From St. Mary's, Limerick, for Abolition of Ministers' Money (Ireland).—From Llanelly, Awliscombe, Honiton, and other places, for Better Observance of the Lord's Day.—From Norwich, Great Yarmouth, and other places, praying that Roman Catholics may be placed on a footing of perfect Equality in regard to their Civil Rights with the rest of her Majesty's subjects.

SOUTHAMPTON ELECTION COMMITTEE.] Mr. *Thesiger* begged to ask the chairman of the Southampton election committee, whether it was his intention to make any motion that evening with respect to the witness in custody named William Rouse Mabson.

Mr. *Redington* said, that last night he had declared his willingness, if anything should occur to clear up the transaction in which the witness William Rouse Mabson had been concerned with respect to the papers and documents not produced by him before the committee, to move that he be discharged. It appeared, that as an inducement to follow this course, hopes had been held out that these parties would be brought before the committee, one of whom, it was stated, was the person who had delivered up the papers. He had communicated with the solicitors, who had proposed the bringing forward of these parties to see if what was said was true; but as nothing satisfactory had resulted, he should not be discharging his duty if he were to say otherwise than that he could not move for the discharge of the witness at present, however much he might regret the circumstances by which the witness would be confined for three days more.

Mr. *Thesiger* gave notice, that at the next meeting of the House, he should move that William Rouse Mabson be discharged from the custody of the Sergeant-at-Arms.

BRAZILS.] Mr. *Milner Gibson* wished to make an inquiry of the right hon. Baronet at the head of her Majesty's Government, on a question regarding our relations with the Brazils. The right hon. Baronet had given the country to understand that his chief, if not his only objection to a reduction of the duty on sugar, was the fear that he should by so doing encourage the slave-trade in the Brazils, and he had understood the right hon. Baronet to say, that if he had not felt embarrassment by the slave-trade question, he should have felt it his duty to propose a considerable reduction in the duty on sugar immediately; but that he had not done so because he thought it might tend to render abortive the efforts that her Majesty's Government were making to restrain slavery. Now, he wished to ask the right hon. Baronet whether, at the present moment, he was making any decided effort to restrain slavery in the Brazils; and inasmuch as there was at present existing a treaty between this country and the Brazils, making the Slave-trade illegal, and declaring it piracy, and binding the Brazilian government to discourage the importation of slaves into the Brazils, he was desirous of knowing if the right hon. Baronet were prepared to enforce that treaty? He was also desirous of knowing if the British Government and the Brazilian government had come to any understanding respecting the period of the termination of the treaty of commerce now subsisting between the two countries?

Sir *R. Peel* replied, that her Majesty's Government were always prepared to fulfil their engagements with foreign nations, and to require that other nations should fulfil their engagements with this country. Her Majesty's Government could not come to any understanding with the Government of the Brazils respecting the period of the expiration of the present treaty. The noble Lord, the late Secretary for the Foreign Department, had always contended, and he thought justly contended, that the treaty would not expire until November, 1844, and that was the view entertained by her Majesty's Government. The government of Brazils were of a different opinion, and contended, that the treaty would expire in November of the present year. Communications had taken place on the subject, but he was not able to say that the government of the Brazils acquiesced in the construction placed by her Majesty's Government on that treaty. With respect to the subject of the restraining more effectually the slave-trade in the Brazils, communications had passed between the two governments, but as yet this had led to no result.

Viscount *Palmerston* wished to put a question to the right hon. Baronet, which he hoped it would be in his power to answer. He was well aware, that it was objectionable to ask, and improper to state, the nature or propositions which were in discussion between the Government of Great Britain and a foreign government; and therefore inquiry upon such subject ought, in general, to be met by a refusal. But questions relating to slave-trade treaties were not subject to the general rule in that respect. He had himself never made any difficulty in stating the nature of negotiations entered into from time to time with other countries, with a view to the more effectual suppression of the slave-trade. He did not know whether the right hon. Baronet would feel equally at liberty to give him the information which he was about to ask. He wished to ask the right hon. Baronet what the nature was of those further stipulations which had been proposed to the Government of the Brazils with a view to the suppression of the slave-trade? and whether they would give Great Britain increased powers of action, or whether they were merely engagements to be executed by the Brazilian government? He should be glad to find that increased powers were given to our cruizers engaged in the suppression of the slave-trade; but he was sorry to say that he should not attach much importance to any additional engagements into which the Brazilian government might enter, relative to the question of slavery and the slave-trade.

Sir *Robert Peel* very much doubted whether the noble Lord, if in office, would have answered such a question. He had too high an opinion of the noble Lord's discretion and good sense, to believe upon any other authority than his own that he would answer such a question. Her Majesty's Government had made a communication with the Brazilian government generally upon the subject of slavery and the slave-trade, but had not yet had an opportunity of receiving an answer.

Business of the House.] Sir *R. Peel*, after briefly alluding to the state of public business, and to what he conceived would most promote the convenience of the House, moved, "That after

Monday, the 9th May next, orders of the day shall have precedence over notices of motions on Tuesdays, so long as the property-tax and tariff shall remain under consideration." He hoped that they would not be objected to by the Gentlemen who had fixed notices of motion for Tuesday, the 10th.

Mr. *John O'Connell*, whose motion respecting the grievances of Catholics in the navy stood for that day, declared that he had no disposition to thwart the arrangement proposed by the right hon. Baronet. He should be quite ready to postpone his motion till the following Thursday.

Lord *John Russell* was quite ready to agreee to the motion of the right hon. Baronet, which he thought would be productive of great advantage to the public. He was glad to find that his hon. Friend (Mr. J. O'Connell) had consented to waive his motion for the 10th of May. In regard to the Sudbury case, he hoped there would not be any objection on the part of the House to the motion for leave to bring in the bill; but he conceived they would require more evidence to be given before they could come to a decision on that case. While he was addressing the House on the motion of the right hon. Baronet, he would take the opportunity of referring to the imputations which had been cast upon them, in regard to the delay which had been occasioned in the progress of the tariff and property-tax. During the discussion on the Corn-bill, they were told by the right hon. Baronet that the adjournments of the debate were productive of great inconvenience, and that hon. Members ought not, therefore, to persist in addressing the House on the subject. Now he understood that the Corn-bill was passed in the House of Lords on Friday last, and that it had only received the Royal assent this day. A whole week, therefore, had been lost; not on any discussion or amendments, but merely because the commission had not been able to sit until to-day. In regard to the tariff, he thought that the Government had very properly given the parties interested an opportunity of being heard, and although this had caused a great delay, he was glad to hear the right hon. Baronet declare that his only object in granting this delay, was in order that he might give the fullest consideration to the interests of all parties objecting to the alterations in the tariff.

Motion agreed to.

Income-tax.] On the motion of the Chancellor of the Exchequer, the House went into committee on the Income-tax Bill.

Upon schedule D being put, as follows:—

"Upon the annual profits or gains arising or accruing to any person residing in Great Britain, from any kind of property whatever whether situate in Great Britain or elsewhere, or from any profession, trade, employment, or vocation, whether the same shall be respectively carried on in Great Britain or elsewhere, there shall be charged yearly for every 20s. of the amount of such profits or gains the sum of 7*d*."

Mr. *Sharman Crawford* rose to move that the words, "or from any profession or trade, employment or vocation," be expunged. Under present circumstances, he considered that the commercial and manufacturing interests had a fair claim of exemption from this tax. He would not again detail the distress under which they suffered; but he could not help reminding the House that they had passed a bill for the purpose of keeping up the price of corn, and he could not but think that the distresses of the commercial and manufacturing classes were produced in a greater or less degree by the Corn-laws. These corn duties were imposed for the benefit of a particular class—the landed interest; and so long as they had that special benefit they ought to bear that proportion of the Income-tax. He knew it would be said that these proposed exceptions would create a deficiency, but that might amply be made up by extending the probate duty to all kinds of property, real as well as personal. His great objection to the present bill was the inquisitorial nature of its enactments. He did not contend for the entire exemption of incomes derived from manufactures, but he thought the fair proportion of taxation might be levied on them in another way. Why not tax them in proportion to the rents which they paid for their premises? Great evils would arise to the commercial interest from individuals engaged in it being called on to make a disclosure of their affairs. He considered a tax on property, or on the income derived from property, as the best of all taxes; but when it was extended to the profits derived from trade, it was manifestly unjust. The hon. Member for Bath (Mr. Roebuck) had a motion on the paper for a reduction in the per centage of the tax on profits derived from trade. He would support that motion, although it did not remove the great objection which he felt to taxing profits derived from trades or professions. He then begged to move the omission of the words, "or from any profession, trade, employment, or vocation."

Mr. *Hume* seconded the motion. He had no objection to a tax on property or capital, but he thought the principle of taxing incomes arising from capital and landed property, and yearly incomes arising from trade and from professions at the same rate per centage, was manifestly unjust. He would show to the House that the principle of the original Income-tax was very different, and much more just. If they had adopted that principle, he would have agreed at once in the proposal. By the act of 1692, a tax was imposed on the frent of real property of 4*s*. in the pound, and supposing a person had an income from landed property of 100*l*., he would have paid 20*l*. as his share of the tax. Stock in trade, machinery, houses, money, &c., to carry on the business was considered personal property, and that personal property was dealt with in a different manner. The legal interest of money at that time was 6 per cent., and supposing a person had personal property valued at 100*l*., that amount was considered as capital, the same as the value of land was considered capital, and the profit or interest allowed on this amount was taken at 6*l*., and he paid the tax not on the 100*l*., the capital—but on the 6*l*., being the interest, or supposed profit arising from his capital. That was a fair tax. But if they as proposed by the present bill, taxedan income of 100*l*. derived from a profession or a trade, in the same way as they taxed a yearly income derived from land, they would be taxing the capital of the professional man, and not the interest. Such a tax would be most unequal and unjust. It would fall on the income of capital of the rich, but on the capital of the poor. For example, if he had 3,000*l*. of capital, and invested it in land he would suppose it to produce 150*l*. They proposed to tax that sum as the yearly income or profit of the 3,000*l*., which was quite correct; while an income of 3,000*l*., arising from a trade or profession was all capital, and if the interest at this time be considered 5 per cent., that amount of capital would produce 150*l*. a-year, and the tax ought to apply to the 150*l*. and not to the 3,000*l*. But it was proposed to tax those two incomes at the same rate. Was this fair? That the income from real property should be taxed, whilst the capital of the professional man and trader was taxed. He was opposed to any tax on professional or mercantile profits, but he would capitalize them and allow the tax to be levied on the income of such capital. Every restriction should be removed, and it would be better that every man employing capital productively should not be taxed, and that every individual be permitted to exert himself to the best advantage in his power to add to the wealth of the State by his industry in whatever form created. It was on that principle that he had opposed the taxing terminable annuities as proposed by the bill, to take a portion of the capital. He thought it was most unjust to tax them. Suppose he bought an annuity of 100*l*. for twenty years: the first year he would be entitled to receive 5*l*. as interest and 5*l*. as capital; so that in ten years he would have the interest regularly, and he would in some time receive back all the capital. But if they laid the tax on 10 per cent., the amount of such annuity, it was clear, that at the end of twenty years it would have deprived him of a considerable portion of his capital. Surely, that was unjust and ought not to be the plan of the Government. If the annuity was purchased by 100*l*. for ten years, the annuitant ought to receive 15*l*. yearly, namely, 5*l*. for the interest and 10*l*. to replace the capital, and if the tax be levied on the 15*l*., it is evident that it will be a tax on the 5*l*. of income, and a tax also on the 10*l*. to replace the capital at the end of the ten years. He declared this unequal, and consequently unjust taxation when compared with the landed proprietor, whose capital was not to be touched by the bill. He hoped his hon. Friend the Member for Bath would state what kind of incomes he meant to include in his motion, for he was decidedly of opinion that stock in trade ought to be considered personal property as well as professional income, and that the tax should be levied on the yearly interest or profit from such stock or income, at the rate of interest at the time, say 5 per cent.

Mr. *Roebuck* said, that he was in a difficulty as to the proper course to pursue. He was afraid that he should be precluded from bringing forward his motion if the House should give precedence to the motion of the hon. Member for Rochdale. Perhaps the right hon. Baronet could suggest some course to obviate the difficulty.

Sir *R. Peel* suggested, that they should first proceed with the clause, that " upon the annual profits or gains arising or accruing to any person," &c. " from any kind of property, there shall be charged yearly for every 20*s.* of the amount of such profits or gains, the sum of sevenpence." Then they could proceed to the other part of the clause which imposed the same tax on " profits or gains arising from any profession, trade, employment, vocation," at which stage the hon. Member for Bath would be enabled to move that the sum of 3½*d.* should be charged instead of 7*d.* That part of schedule D which provides that upon the annual profits or gains arising or accruing to any person residing in Great Britain from any rent or property whatever, whether situate in Great Britain or elsewhere, there shall be charged yearly for every 20*s.* of the amount of such profits or gains the sum of 7*d.*, was then agreed to.

Viscount *Howick* understood the course of proceedings to be that that they would first put the question that the blank relating to the tax on professions, trades, &c., be filled up by the insertion of 7*d.* The hon. Member for Bath would propose to substitute 3½*d.*, on which he would take a division, and when the blank was filled up with either 7*d.* or 3½*d.* then would be the time for the hon. Member for Rochdale to propose his amendment.

Mr. Crawford's amendment postponed.

The *Chancellor of the Exchequer* proposed that upon the annual profits or gains arising or accruing to any person residing in Great Britain from any profession, trade, employment, or vocation, whether the same shall be respectively carried on in Great Britain or elsewhere, there shall be charged yearly for every 20*s.* of the amount of such profits or gains the sum of 7*d.*

Mr. *Roebuck* rose to propose the amendment of which he had given notice. He had some time since stated to the House that the inequality of the tax on property accruing from professions, trades, employments, or vocations was so obvious, that it was desirable that some method should be adopted for remedying that inequality. The right hon Baronet (Sir R. Peel) said, in reply, that it was impossible to render the tax equal, and thereupon the noble Lord (Lord John Russell) took advantage of that admission, and said he perfectly agreed with the right hon. Baronet, that it was utterly impossible to render equal those things which were in themselves unequal, and therefore he could not accord with the proposition of Sir Robert Peel, and opposed the tax altogether. The distinction between the two leaders of the House was this: the right hon. Baronet said, it was impossible to render the tax in any way equal, still he should impose it; while the noble Lord said that, it being impossible to render the tax equal, he should oppose it. Now he came between these two parties, and said that, in his opinion, it was possible to render the tax equal, and therefore he should vote for its being retained. The distinction between him and the right hon. Baronet was as to the premises; and the distinction between him and the noble Lord was as to the conclusion. He had to maintain three propositions:—first, that there was an inequality in this mode of taxation; secondly, that the tax, being unequal, it sinned against those great canons of taxation which had been laid down by every man whose opinion was an authority on the subject, and that therefore if it were within their power to take away that inequality, it was their duty to do so; and, thirdly, that there was a mode by which this inequality might at least be reduced (for he would not go further than that), and that therefore a necessity was imposed upon the right hon. Baronet to follow out that proposition. Now, with regard to his first proposition, he thought he should have very little difficulty in making out that this was an unequal tax. He was sure the right hon. Baronet would himself concede that point. A tax levied upon a man who derived 100*l.* a year from property possessed by him in fee simple, and the same amount levied upon a professional man, whose income by his labour amounted to 100*l.* a year, could not be an equal tax. First, it was unequal because the different descriptions of property would yield a different price in the market. A fee simple estate would yield a price equal to thirty years' purchase. If he went into the money market he could purchase an annuity of 300*l.* a year, at the age of thirty and in good health, for 5,000*l.*; but a fee simple estate, yielding 300*l.* a year, would cost 9,000*l.* In this case, then, the best he could put, where the party was young, and in perfect health, and where there existed no doubt or difficulty, he had shown the value of that class of incomes to be nearly one-half less than incomes derived from land. But there were many contingencies which rendered the income of professional men very precarious. It might depend not upon health alone. He had known professional men who at forty years of age were making a large fortune, and at sixty were without any income. Mercantile men, and men in trade, were liable to all the chances of the seasons—to tempests, to money panics, and to the folly of their neighbours, all of which rendered the amount of their gains doubtful. Therefore, in saying that the difference between the income of the landed proprietor and of a person in any profession, trade, vocation, or employment, ought to be taken at one-half, was not, in his opinion, assuming too great an inequality. But it might be said that he was using a rough method of calculation, and was not approximating perfectly to the truth. He admitted it. He, on a former occasion, proposed a plan which he thought did approximate to the truth; by taking the value of his land which yielded 100*l.* a year, and comparing it with the amount he should be obliged to pay for insuring his life for 100*l.* a year,—this, he thought, would have determined the true value between a professional or mutable income, and an income which was represented by land. But he was told that there was great impracticability in that proposition; he therefore now came forward with a much more simple mode, and merely asked the right hon. Baronet to reduce the Income-tax on variable and uncertain incomes to one-half the sum which was levied on certain and unchanging incomes, in order to arrive at that principle of justice upon which every tax ought to be based. He had thus established the inequality of the tax. He now approached his second proposition, namely, that a tax thus sinning against justice, and against all the rules of sound taxation, ought to be changed. Adam Smith had laid down four maxims with regard to taxes in general. First, that the subjects of every state ought to contribute towards the support of the Government as nearly as possible in proportion to their respective abilities; second, that the tax which each individual was bound to pay ought to be certain and not arbitrary; third, that every tax ought to be levied at the time, or in the manner in which it was most likely to be convenient for the contributor to pay it; and fourth that every tax ought to be so contrived as both to take out and to keep out of the pockets of the people as little as possible over and above what it brought into the public treasury of the State. The first grand principle which every man ought to adopt who assumed the reins of Government when he came to tax the people was, to take care that the tax should be equal upon all. Now, he would suppose a man to have an income of 100*l.* a-year, derived from land held by him in fee simple, and another man deriving the same amount of income from some professional pursuit. The question was, were these two persons equally competent to contribute to the expenses of the State? Far from it. Every man would at once acknowledge that the person whose income was derived from the fee was much more able to pay a tax to the State than he whose income was the result of his own personal exertions. It could be easily shown that the former was one-half richer than the latter. If so, ought they to be taxed at the same rate? Was that man who obtained his income by the daily application of his mental and physical powers—who was wrought upon by the anxieties which the uncertainty of trade and professional avocations necessarily occasioned—who was placed under the weighty responsibilities of maintaining the station and credit of himself and family, was such a man to be put on the same level and taxed to the same amount with the comfortable and complacent gentleman, who, without any toil or any solicitude, derived his income from estates which had descended to him from his ancestors, or from funds which had been accumulated by the industry of his forefathers? He saw men on the benches before and around him whose fortunes were derived by the constant application of their minds, and who were occupied almost incessantly during the twenty-four hours; should they be taxed to the same extent with those calm and easy Gentlemen that sat near them, whose wealth sprung from land and other fixed sources, without labour of any kind?

There were merchants present whose whole existence depended upon the elements, and whom a storm or a tempest might plunge into ruin; while there were others within his view who were exposed to a thousand chances and vicissitudes that always accompanied trade. Was the right hon. Baronet prepared to say, that such men ought to contribute to the State equally with those whose property was secure from all risk, and who depended upon no contingencies, nor upon any personal exertions for their incomes? If the right hon. Baronet did think so, then let him carry out the principle. Let him tax the labouring man, he who derived his daily bread from his daily labour, and who was paid by the week. But it might be said, that the proposition which he now made was only one of many which had already been suggested, and therefore ought not to be entertained any more than the rest—that the tax had been denounced as a bad tax; that it was a direct tax, and that the people did not like it. Now, he was aware of all this; but his proposition was not open to this objection, for he was not opposing the principle of the bill. The House was now in committee to consider the details, and, in his opinion, it was not proper to drag the principle of the measure into discussion. He was strictly confining himself to the mere question at issue—was this an unequal tax? If so, then the next question he asked was this—was there any difficulty in apportioning the tax, and making it equal? Where was the difficulty? Every man who derived 100*l.* a-year from a profession, employment, trade, or vocation, was required to declare it. If he derived his income from fixed property, it was known; if from land, it was known; if from the funds, it was known; if from an annuity, it was known. But, if he made a return that it was derived from trade, profession, or vocation, it would, of course, be known also; therefore, so far from the difference of the source whence the income was derived being a matter of difficulty, there was none whatever. He would suppose a professional man at the age of forty to have saved up 10,000*l.*, which he invested in the 3 per cent. consols. The schedule being sent to him, he would return that he derived the interest on this 10,000*l.* That fact would be known as far as his fixed income was concerned. But then came the tax-gatherer, and said to this gentleman, "How much do you get from your profession?" The reply might be, "I get a thousand a-year." "Very well," says the tax gatherer, "then I tax you 3 per cent upon the return made for your interest upon the 10,000*l.* consols; and I tax you one and a half per cent upon your professional gains." Now, where was the difficulty? On a former occasion, the right hon. Baronet, with a view to drive him into a corner, said when he first propounded this modification—was this, or that, or t'other, to determine the value of a man's life? He answered the right hon. Baronet at the time, according to what appeared to his mind to be the truth. But if the right hon. Baronet should meet him now, by saying, "It is true, that in this case you are quite right;" but there are other cases where similar inequalities exist, and where the parties have an equal right to be relieved; and, therefore, I will not make any distinction; if the right hon. Baronet should use this argument, then he would say to him: "I do not think that that is a worthy answer." Was it because they could not (and it remained to be seen whether they could not) do all justice, should they not do some? Because they could not do perfect justice, should they do complete injustice? Looking at this question with candour, totally regardless of all party considerations, and knowing the fallibility of the human mind, what he wished to accomplish was, to approximate as nearly as he could to the truth. The whole business of legislation was but a matter of approximation. Certainty of justice never could be attained. The innocent often suffered—the guilty often escaped; but still, by the best efforts of human intelligence, legislation attained in the general result the good of society. He was, therefore, content with its being a matter of approximation; and when he showed the House a case in which it was possible for the House to approximate to justice clearly without difficulty, he would say, that on the head of him who would not adopt a simple, plain, clear, and justifiable remedy—upon his head rested solely, individually, and intensely, all the odium and responsibility. He who should answer him to-night in the powerful position of the right hon. Baronet, upon whose word depended that which should be done, whose word was as the fiat now of the most powerful man amongst them, upon his head rested the responsibility of taxing unjustly, because unequally, the people of this country. He believed, that the right hon. Baronet was desirous to relieve them from all inequality of taxation; and that he wished to tax the people according to their power. The question he therefore put to the right hon. Baronet was, "Show me the difficulty upon this question, which prevents you from doing justice to the people." But it might be said, that even the proposition which he made, was not a perfect approximation to the truth. He admitted it. A man at sixty, and a man at thirty, if taxed according to their respective abilities, was not the same as taxing both at the same rate. He knew it; but as he could not get nearer the truth, he was content to get at a rough approximation towards it. The question between him and the right hon. Baronet was this—taking a man who derived his income from the fee simple in land as the representative of a class, and as a unit, should he be doing more or less injustice by bringing all persons of the same amount of income, from whatever other sources it might be derived, up to his standard; than by attempting to make all those who derived their income from less certain sources, that was to say, from trade, professions, or vocations, a certain fraction of that unit? Why could not this scale be established? Was it impossible? Could the right hon. Baronet say that he, of all men in the country, considered that to be impossible, which so humble an individual as himself considered perfectly practicable? True, the right hon. Baronet might reply, that

"Fools rush in, where angels fear to tread."

Let him say so: still let him, at the same time, acknowledge that he, with all his power abroad and at home, was not able to suggest a measure of justice. In this matter, there was no quarrelling with class interests; there was no horned cattle to interfere with; no Corn-laws to dread. It was a plain and simple question—were you, or were you not, prepared to tax, equally, persons deriving incomes from very different sources? He should now propose, that instead of the words "seven pence," the words "threepence halfpenny" be inserted in the clause, and having done so, he should now patiently wait for the right hon. Baronet to show him, first, that the tax he himself proposed was not an unequal tax; and next, though unequal, still that it was not an unjust tax; and thirdly, that although it might be both an unequal and an unjust tax, yet that it was impracticable to make it otherwise. If the right hon. Baronet could show any one, or all of these propositions to be true, then he had no answer to make; but if he could not do so, then no one could fairly say to him, that he, by this motion, had attempted to throw any factious opposition in the way of the right hon. Baronet.

The *Chancellor of the Exchequer* could not complain of the manner in which the hon. Member treated this subject, or of the temper with which he brought forward his arguments. He was only expressing the general feeling of the House, when he declared that the hon. and learned Member for Bath had afforded a most excellent example to all hon. Members in the mode in which it was proper to discuss this question—a mode which would prove of the greatest advantage to the course of proceeding in this House, as well as to the interests of the country generally, if it were more frequently pursued. The hon. and learned Member, he was sorry to say, had taken a view of this question totally different from that which he was disposed to take. He had said, with perfect truth, that upon this question of taxation, and indeed he would say upon every question connected with legislation, they could act on no other principle than that of approximation. In fact, legislate as they might, whether they proposed taxes for the general benefit of the country, or attempted domestic legislation, their efforts would fall very far short indeed of the mark which they desired to reach. Thus when the hon. and learned Member called upon Government to propose a tax which should be equal in all its bearings, he proposed to it, to do that which no legislature, with regard to taxes, had ever yet done. To make a tax bear with a perfect equality on all classes was impossible. He, therefore, thought, that the hon. and learned Gentleman would do well to consider what it was for which the present tax proposed by the Government was to be substituted. If the hon. and learned Member discovered in the tax which was submitted for the consideration of the House such inequalities as could not be reconciled with justice, he should at the same time bear in mind additional taxes being necessary, what would have been the inequalities of other modes of taxation to which they should necessarily have had resort if the present proposition had not been made. The hon. and learned Gentleman had drawn a contrast between the learned professions and the owners and occupiers of land, and said that the interest which those two classes had in their respective incomes were so very different, that he thought it would be but just to have the one taxed for their income at a half less than the other. Suppose, however, that the hon. and learned Gentleman had prosecuted his inquiry still further, and considered the effect which was produced upon the different classes of the country by taxes levied upon articles of consumption. Did he consider, that the taxes upon these articles pressed with equal weight upon the different classes of the country. The professional man was called upon to make a certain expenditure to sustain his position in society, and he consumed a larger quantity of taxed articles. Such a person, however, paid equally with every other consumer with a corresponding income in another class of society. The necessaries of life were priced equally to both. Now, what he wished to say was this, that with reference to these classes of corresponding incomes, they being relieved from many of those burdens which pressed equally upon them, would not have any ground of complaint for a change which substituted this particular tax for others which pressed so heavily upon them. He did not mean to maintain that this tax would be equal in its pressure upon all classes, but he did maintain, that this tax should not on that account be considered unjust. The tax proposed to withdraw from the incomes of all persons a certain and limited portion in the shape of a tax in exchange for other taxes to which they must otherwise be necessarily subject. The hon. and learned Gentleman said, that the principle of perfect equality should be the rule upon which this House should proceed. If this were his view of the question, he had been rather late in his application to the House upon this subject. The hon. and learned Gentleman had alluded to the risk to which trading and mercantile professions were subject by the operation of the weather, the changes in the seasons, and such like; but the hon. and learned Gentleman should recollect that he had already acquiesced in the proposition to charge upon the cultivator of the land the same amount of duty on his profits as was charged upon those of the individual of fixed landed property. The hon. and learned Member for Bath had already said it was fitting that the cultivator of the soil should be made to pay the same amount of duty as the owner of the inheritance; and, in doing so, he had not thought of the influence upon the income of the former, which the operations of the seasons would naturally produce; nor that by the occurrence of a tempest his property might be seriously affected; nor that the casualties of one year might cause the destruction of the entire hopes which had been fondly cherished by the producer, and yet he thought that the hon. and learned Gentleman should see, when he was advocating for a principle of equality in the pressure of this tax, that the cultivator of the soil was fully as much entitled to his consideration, and to that indulgence which he claimed in favour of professions and mercantile men. The hon. and learned Gentleman said, that the landed incomes were a description of property which might be considered certain. They descended from father to son—the mercantile and trading professions uncertain; and, therefore, with reference to the amount of duty which should be levied upon these respective classes, it would be only just to reduce the tax upon the incomes of the latter by one-half as compared with the other. He would admit that there was perhaps in all cases a greater uncertainty with respect to incomes derivable from trading or mercantile property than those derivable from landed property, but the man of great mercantile capital often inherited it from those who had preceded him, though it depended upon his character, reputation, and habits of business for increasing it. The cultivator of the soil, too, looked forward with tolerable certainty for a remuneration for the labour he bestowed, and the difficulties which he had to contend against. There were, however, some banking and mercantile establishments of the first character and respectability in the country which had descended regularly from generation to generation, and had yielded large and well-earned profits, derived partly from their own industry and partly from the industry and exertion of those who had preceded them. What, then, was the proposition of the hon. and learned Gentleman with regard to this class? Would he charge an humble individual like himself, with small means a per centage of 7*d.*

in the pound, and at the same time apply to these establishments the reduced charge upon their enormous incomes of $3\frac{1}{2}d.$ in the pound? Did the hon. Member think, that that would be a proposition which would ensure public approbation as a measure of equality and justice? Would the public be satisfied, when they saw the partners of those establishments enjoying their splendid incomes (which of course they would have every right to do), and paying only one-half the amount of duty which their neighbours of humbler means were obliged to do? Did he think, that such a system would produce satisfaction in the public mind, or be found practically to work for the benefit of all classes? He thought, that such a system of inequality, in the way of taxation, would produce one burst of universal dissatisfaction. He believed, that the public would much more highly approve of the proposition now made by the Government, than any such suggestion as that made by the hon. Member. In the imposition of such a tax as this, the means of enjoyment which the incomes afforded to the individual should be considered. The means of enjoyment were precisely the same to all classes possessing similar incomes. Acting on the authority of Adam Smith, who had been just quoted, her Majesty's Government had proposed to lay it on in proportion to each person's incomes from whatever source it was derived. On these grounds, he did not agree with the hon. and learned Gentleman's views who had preceded him. And for these reasons he would vote against the amendment. Before, however, he sat down, he would allude to an observation which had been made by the hon. Member for Montrose as to what was the meaning of the word property. That hon. Member had called the attention of the House to the original land-tax of 1692, and he said, that that was altogether at variance with the present proposition. Now, he thought, that the hon. Gentleman had not considered the details of that tax, or he would have seen that he was wrong in his interpretation of it. In 1692, it was directed, that the land should pay a tax of 4*s*. in the pound, and the stock in trade of the mercantile man should also pay a tax of 4*s*. in the pound. This was the arrangement made in the reign of King William. It imposed an equal duty upon land and stock in trade. The only distinction between that proposition and this was, that the former was carried out with a most inquitorial power, and a man's profits were arbitrarily fixed at six per cent upon his capital. In the present system, the inquisitorial power had only reference to what a man's real income was. The whole difference between them was, that the one employed an inquisition for ascertaining the entire capital of a man, and the present to ascertain the whole income only. It was, he thought, but fair for all parties, when a tax of this description was to be imposed, that it should be levied equally upon all, by ascertaining the real amount of a man's income, rather than be driven to the rough calculation which was adopted in the former reign.

Mr. *Ward* said, that he thought the powerful speech of the hon. and learned Member for Bath had not been replied to in any way or shape by the right hon. Gentleman who had just sat down. What were the main arguments that the right hon. Gentleman had relied upon? Why these—that there was injustice in the manner in which the indirect system of taxation was carried on in this country, and that, therefore, in proposing a new tax they were bound to follow up the principle by an aggregate of injustice; in other words, that they should not do a little justice, as the hon. and learned Member for Bath had suggested, because they could not make all their taxation equally just. The right hon. Gentleman had endeavoured, by picking out certain trades, and by selecting those professions which were the most prosperous in the whole circle of life, to prove that the proposition of his hon. and learned Friend could not be acted upon with any degree of justice. The right hon. Gentleman had selected for his arguments certain banking houses which had for a series of years been established in this country. But why should the right hon. Gentleman take these rare instances of great success? Why not embrace the whole circle of professional life? Why should the great mass of professions be overlooked when considering this question? Persons who were obliged to struggle for their existence at the present moment, but to whose difficulties this tax would be a very great addition? He did not wish to be forced to vote against this Income-tax; he wished to be able to mitigate the injustice with which it was marked, and unless better reasons were shown by hon. Members on the opposite side of the House than what had already been given for opposing the motion of the hon. and learned Gentleman, the position in which the Government would be placed would be exceedingly unfavourable. Let them consider the hardship which would be done to professional men if this proposition of the right hon. Baronet were carried out. This class of persons were at present obliged to economise for the purpose of ensuring a means of existence in after life, and were forced to save every shilling, except what was absolutely necessary for their immediate wants. But the right hon. Gentleman said that the means of enjoyment were equal to every man of 1,000*l.* a year. He denied the fact. The means of enjoyment were by no means equal. If a man enjoyed 1,000*l.* a year from fixed capital, he might indulge himself with all the enjoyments of life, as he would be certain that he would be leaving after him the same provision for his family. But the professional man with 1,000*l.* a year depended solely upon the economy he practised in the expenditure of his money for the means of obtaining an existence in his old age, and in case of his death, that he might leave some provision for those who were to come after him. Let them consider too the uncertainty of those professional incomes with respect to a medical man, for example. Dr. Chambers, that eminent physician, said that no medical man could fairly reckon on more than fifteen years of his life for acquiring a full remuneration for his services; for he passed a large portion of his life, in the first instance, in great exertions to obtain a standing in his profession; and when he had arrived at that position he could only reckon upon fifteen years for receiving the reward of his whole professional life. Upon such classes as those then, they were about proposing a tax of 3 per cent. upon their income, which would be just as much as they would demand from a man with a landed estate of 10,000*l.* a year income. He thought his hon. and learned Friend had suggested a sort of compromise, with regard to these conflicting interests, which was fully deserving of the intelligent consideration of the House. An acquiescence in this motion would have the effect of reconciling many persons to this proposition, who at present regarded it with the most unmitigated dislike. He hoped they should hear from the right hon. Baronet opposite that the proposition which had just been made was deserving of more respect than that given to it by the right hon. Gentleman who had just sat down.

Mr. *S. Wortley* said, he was unfortunate enough to differ in opinion from the views of the hon. Gentleman who had just sat down, with respect to the nature of the answer given by the right hon. the Chancellor of the Exchequer to the proposition of the hon. and learned Member for Bath. He confessed that he thought the motion of the hon. and learned Member for Bath would, if carried, inflict a greater injustice upon the different classes of the country than the proposition of the right hon. Baronet. In the first instance he would take the owner of the land who derived his income from the rent paid to him by his tenants. Landed property was subject to so many limitations that the actual holder in many cases possessed no more than a life income. If so, he would ask the hon. and learned Member whether his argument, which he illustrated by the case of a bargain in the money market, would hold good? Could the holder of a life interest walk into the market and sell out for the price which he set in contrast with the price which would be obtained upon a terminable income derived from other sources? Now, with respect to the landlord. The tenant paid the tax; and what was the result? That the landlord paid a tax of 3 per cent., not on his net income, but on his rental. Had the hon. and learned Gentleman so little knowledge of the management of landed property as to maintain that the rent-roll of the landed proprietor was the income which he derived? There was no landed proprietor in the country who was not compelled every year to abandon a large portion of his rent-roll in order that the necessary expenditure might take place upon his estate. He would now call the attention of the committee to the 33rd page of the bill, and he would ask the hon. and learned Gentleman why a difference was to be made between the assessment upon the banker who derived his income from a commercial source, and the assessment upon tithes? The hon. and learned Gentleman must see that tithes were not only property of a terminable nature, but actually of a variable value. They certainly might be compounded for, and rendered fixed income, but in their original form they were tithes in kind; they were the tenth of the produce of the land, and were a variable property. Next to tithes came an assessment "of all dues and money payments in right of the Church, or by endowment, or in lieu of tithes." That was a source of income of the same nature. Then there was an assessment "of manors and other royalties, including all dues and other sources, or other casual profits." But there was no portion of the schedule which more forcibly illustrated the fallacy of the argument of the hon. and learned Gentleman than that which almost immediately followed: for in No. 3, he found that the same amount was to be placed not only on the landed proprietor, not only upon his tenant, not only on the titheowner, but also upon the owner of mines, of coal, tin, lead, copper, mundic, iron, and other mines; upon "iron works, gas works, salt springs or works." He knew the owner of some salt springs which had failed so entirely as to leave the owner no income derivable from that source. Then there were other kinds of property specified, such as "alum mines or works, water-works, streams of water, canals, inland navigation, docks, drains, and levels, fishings, rights of markets, and fairs, tolls, railways, and other ways, bridges, ferries, and other concerns of the like nature." These, certainly, were undertakings of a precarious nature, yielding sometimes large incomes, and sometimes none at all; these were descriptions of property which came within the limit of the observations of the hon. and learned Gentleman, and were as much entitled to be exempted as any other incomes. Although, at first, he thought there was a considerable degree of plausibility in the plan of the hon. and learned Gentleman, he was now of opinion, that the adoption of that plan would not be making an approximation to justice, and he should, therefore, vote against it.

Mr. *Hawes* observed, that the real answer to the amendment of the hon. Member for Bath must be, that the tax, being necessary, it must be imposed with all its injustice, because the injustice could not be remedied. The reply just attempted, was not only a complete failure, but it made out the case for which the hon. Member for Bath contended. The position was, that the fluctuating incomes of professional men ought not to be taxed like the fixed incomes derived from permanent capital. This was the injustice complained of, and how was it attempted to be answered? By showing, that the measure before the House did even greater injustice than the hon. Member for Bath had charged against it. The case of mines had been mentioned; but the owner of the mine was one person, and the worker of the mine another; the first, probably, derived a certain income from his mine; but the worker of the mine, perhaps, was a mere speculator, who might, or might not, derive profit, and who, therefore, ought to come within the exception contemplated by the amendment. It was quite unfair for the Chancellor of the Exchequer to call upon the hon. Member for Bath to point out a tax which was just. All taxes pressed more or less unequally, and all that the hon. Member for Yorkshire had shown, was, that certain other persons—the owners of mines, iron-works, salt-works, &c.—ought to be treated with equal indulgence. The object of the hon. Member for Bath was not to make this Income-tax just, but to render it less unjust—to avoid as much injustice as possible, by taking care that the burden did not fall with heaviest weight upon the weakest shoulders. He would venture to put a case. One man had 10,000*l.* invested in land, yielding an interest of 3½ per cent. or 350*l.* per annum. At 7*d.* in the pound, the tax upon this income would be 10*l.* Another man had 10,000*l.* embarked in trade, yielding an interest of 10 per cent., and an income, therefore of 1,200*l.* per annum. In order that this last owner of 10,000*l.* should pay no more tax than the former, he ought only to be called upon to contribute at the rate of 2*d.* in the pound. Both were owners of 10,000*l.*, and yet one was required to pay more than three times as much as the other. Where was the fallacy of the reasoning founded upon this statement? Whether he had over or under-estimated the interest in either case, made no difference in the argument against the two identical properties being called upon to pay so unequally. Capital in trade yielded more interest because the risk was greater, but capital in land yielded less interest on account of the permanent and substantial nature of the property. He would put another case; if a professional man went into the market to sell an annuity of 100*l.*, depending on his own exertions, he would only obtain at most fifteen years' purchase, or 1,500*l.*; but if the same amount of annuity were secured upon land, the selling party would obtain thirty years' purpurchase, or 3,000*l.* Did not this fact show the gross injustice of taxing men in professions and business to the same extent as the owners of land? If the burden were imposed in its just proportions—if it were made less unequal—persons would not be induced to evade it; so that it was, in fact, the interest of the Government to render it as unobjectionable as possible, with a view to its productiveness, as well as to its moral effect on the community. The Chancellor of the Exchequer, though he could not reply to the argument of the hon. Member for Bath, contrived to escape from the difficulty in which he was placed, by selecting peculiar cases of professions or trades, where incomes were as permanent, as if they had been derived from land. The right hon. Gentleman forgot, that these were exceptions to the great rule of trade. Small merchants were not to be compared with great bankers. The investments of great bankers were generally in permanent, though negotiable securities, but the small merchant had his ventures in different quarters of the globe, and his profits were doubtful and uncertain. After all, he hoped, that the arguments of the hon. Member for Bath would be more closely, if not more successfully, grappled with, than by the Chancellor of the Exchequer; unless Ministers were disposed to leave the tax where it was, and attempt to say no more in its favour. The hon. Member for Yorkshire had certainly done his side of the question no service. The House had decided, that an Income-tax should be imposed, and what the hon. Member for Yorkshire had said, only showed, that the arguments against the inequality of the impost were of wider application than the hon. Member for Bath had supposed. When a case of injustice was established, it was no answer to say there were other cases of even greater severity. The proposed amendment had been accompanied by a perfectly simple and practicable mode of carrying it into effect by returning two different sources of income, one to be taxed at 3½*d.* and the other at 7*d.* Could the right hon. Baronet show an equally simple and practicable mode of carrying his measure into effect? The argument was not, that the tax could be rendered just, but that a nearer approximation to justice could be made than was attempted by the measure.

Mr. *Borthwick* said, that the House had already affirmed by its decision that it would not consent to a difference in taxation as regarded terminable annuities, and also, that occupiers of land should be charged at the same rate as proprietors thereof, and possessors of other description of property of the same kind. It seemed to him as if the occupier of small farms would suffer most severely, for it appeared that the tax was not according to the amount of income derived from their holding but according to their rent. The rent was fixed, but the income varied with the seasons; and yet they were taxed at the same rate as every other class in society. Taking, therefore, the principle of equality which the hon. and learned Gentleman advocated, a single glance would show that to adopt his proposition as it stood, would lead to the most gross inequality. The hon. and learned Gentleman would tax the professional man with an income barely turning 150*l.* a-year, at the same rate as the professional man with 6,000*l.* a-year, though the latter derived far greater advantages from good government, and he would call that equality. This fact went to prove that the tax the hon. Gentleman proposed was to the full as unequal as that which he opposed, and consequently, that if there was injustice in the one principle, so was there equal injustice in the other. If the hon. and learned Gentleman had fixed a higher rate of taxation upon the larger incomes, and a lower upon the lower, or exempted them altogether up to a certain point, when derived from trades and professions, he should have felt some doubts as to whether he ought not to support his motion, as in his opinion it would be a nearer approximation to justice. It was said by Adam Smith, and quoted by the hon. and learned Gentleman, that every subject of a state had a right to contribute to its support in proportion to his ability; he (Mr. Borthwick) would add he had a right to contribute also in proportion to the benefit he derived from its institutions. If these axioms were admitted, then there could be no doubt that the tradesman with 10,000*l.* in business had as much right to pay his quota as the agriculturist with 10,000*l.* in land, as the benefit was the same to both; and, therefore, there should be no inequality in the rate of proportion at which they were taxed. If the hon. and learned Member had moved that all incomes under 200*l.* a-year derived from professions and trades were to be untaxed, then he might be inclined to support him; but he did not see that there was a step more in advance towards justice in the hon. and learned Gentleman's proposition than in that of the right hon. Gentleman at the head of her Majesty's Government. For these reasons, he should vote for the clause as it stood.

Mr. *Labouchere* said, whatever difference of opinion might exist on the question before the House, no one could doubt that it was a subject of the greatest importance, involving a great principle, and one which that House should well weigh in all its circumstances before it came to any decision. He confessed, that he was anxious not to give a silent vote upon the question, both from the circumstance that it was his misfortune to differ on this subject from many Friends with whom he had long cordially acted, and for whose opinion he entertained the greatest respect. He had resisted the Income-tax to the best of his power on the first and second reading of this bill; and, without reverting to the question then before the House, he could not help saying, that if he had not before doubted the policy and propriety of the Government proposing, in the present circumstances of the country, to impose an Income-tax, the discussion which had taken place that night would have greatly confirmed the doubts which he experienced on that question; for a proposition had been brought forward that night supported, it might be by very sound, and also by, he must say, very specious reasons—supported too, he was bound to say, by a great mass of popular favour and opinion out of doors, and brought forward mainly, he was convinced, because the country was not satisfied that an Income-tax, as it had always been understood, was absolutely necessary for the honour and safety of the country; and therefore it was that many people out of doors, and, he believed, a very large number of Members in that House, had been led to adopt opinions and support proposals which under other circumstances they would have opposed. He was warranted by past experience in making this assumption. The Income-tax was no new imposition on this country. It had been imposed during a number of years when this country had been engaged in war with Europe, and during all that time this modification of the tax—specious as it was and popular as it was likely to be—had not only not been received with favour, but he did not recollect that such a proposition had ever been proposed to the House by any Member of it. This only confirmed the view which he took. Under the present circumstances of the country, in proposing a measure of this sort, they were running the risk of undermining one of our greatest resources in war; and, as he had foreseen, and it was now happening, the country would look with a more scrutinizing eye to the tax when now brought forward, than when it was brought forward under the necessity of grappling with great public difficulties. Fearing as he did, that the country could never engage in any extensive war without imposing such a tax, it would then become the duty of every honest and patriotic man to call on the country to bear those burdens which were really necessary for the honour and interest of the country. He had been rather surprised to hear his hon. and learned Friend, the Member for Bath state, that both authority and precedent were in favour of his proposition.—[Mr. *Roebuck*: I said nothing of the sort.] He certainly understood his hon. and learned Friend to say so; but he did not recollect any public man in that House who had ever spoken on this question who had not laid down this principle—that if an Income-tax were to be resorted to it must be of universal application. If they once began to inquire into the sources of income they got into endless difficulties; in short, they were put between the two alternatives of leaving the tax where it was, or meeting other inequalities equally great and unmitigated. He found, that in the year 1803, a proposition was made to the House by Mr. Addington, though not to the extent of the proposition of the hon. Member for Bath, yet something of the same character. Mr. Addington proposed to give certain advantages to incomes derived from professions and trades; certain exemptions and certain abatements to persons engaged in trades and professions, which were not to be extended to fundholders and landowners. If any Gentleman wished to read a discussion of the whole principle, he would refer him to that debate. Mr. Pitt came down to the House and opposed the proposition of Mr. Addington in the strongest manner, and really some passages in the speech of Mr. Pitt were so remarkable, that he would call the attention of the House to them.

Mr. Pitt's first objection was this; he said:—

"You are favouring one class of income at the expense of another; that is a very dangerous principle. You ought not to do anything to encourage the flowing of capital from one source to another."

What he said was this:—

"The modes of disposing of capital should not by any means be interfered with through the operation of a partial tax, tending to encourage the application of that capital to one mode in preference to another. Those modes were various. One likes to employ his capital in a business which requires great labour, and from which he looks for proportionate profits; another seeks to derive profits from his capital in great risks; and a third chooses to indulge in laziness, and to enjoy a small profit in security. Of the latter, some resort to the funds, and others to land. It struck his mind, that any attempt to meddle by a legislative measure with this, the usual and spontaneous distribution of property, would be highly injudicious and unjust, would be extremely unequal, and tend to violate the very character of an Income-tax."

Mr. Pitt also said:—

"It was proposed in this bill to make various abatements to persons having annual revenue not exceeding 150*l.*, and all under 60*l.* a-year to be entirely discharged from the tax. From this exemption, however, the landed proprietors and receivers of interests in the funds to such amount were excluded."

This was giving certain persons whose incomes were derived from professions and trades an advantage over those whose incomes were derived from real property and from the funds. Mr. Pitt said:—

"He could not conceive the grounds upon which this exclusion professed to rest. It certainly was, with respect to the funds, a breach of the principle upon which loans had been contracted for, and what effect such an innovation was likely to have upon any future loan he would not pretend to say, but he would maintain, that it was a breach of promise to the contractors for the loans. For this strange difference in the application, he was aware of but one argument which was advanced, namely, that it was fair to take a distinction between the profits of capital employed in industry, and that not arising from the same source. This distinction he thought the very reverse of wisdom."

Mr. Pitt went on to urge another argument, which he thought well warranted the attention of the House. Mr. Pitt did not put it on the principle of expediency: he thought the principle of public faith was in some degree connected with this subject:—

"But, above all other considerations, he deprecated the proposed regulation as inconsistent with national good faith, and as calculated to strike the first blow against that credit for which the country had been so long distinguished. In every loan bill the fundamental principle was, that there should be no deduction from the dividends of those who became the creditors of the public. Some persons had even carried this so far as to contend, that they ought not to be included in a general tax or income. He was at least confident, that it was inconsistent with the dignity or justice of Parliament to place those who had lent money to the public in a worse situation than at the time when the money was advanced. There was no violation of any compact with the public creditor in making property arising from the funds be considered as a part of general income, but from the moment that the funds were separately taxed, what foundation could the public creditor rest upon in any future loan which it might be necessary to raise for the public service?"

That was a principle which was equally held on both sides of the House at that time, quite as strongly by Mr. Fox as by Mr. Pitt.

"We are going," said they, "very near the wind in taxing the property of the fundowner at all; but, from the moment you make these exemptions, it becomes very questionable if you are not violating faith with the public creditor."

Gentlemen had quoted and stated very hard cases of persons engaged in professions, and had contrasted their cases with those of the fundholders and great landowners. Nothing was easier than to select cases of that description. Take the case of a clerk in a public office, a man at 160*l.* or 170*l.* a-year, with a family to support. If the amendment of the hon. and learned Member for Bath was carried, that man would see the 3 per cent. taken from his income, while his neighbour, who was a thriving merchant, only paid half the amount on his gains. Hon. Members always talked of landowners and fundholders as of men of large properties; but persons with property so invested had very often but small incomes. A man with only 150*l.* a-year from the funds would think it a very great hardship if his income were taxed higher than his neighbour's, the prosperous merchant, whose income was derived from trade. An Income-tax was full of these inequalities and injustice, and they might as well attempt to wash a blackamoor white, as attempt to make an Income-tax just. That was the reason why he had opposed the tax; but the

House having agreed to the principle of the bill, he for one should lend a very unwilling ear to the principle of a variation in the rate of the tax. In his conviction, the moment they lost sight of the general principle that this was a tax on income, and that every man's income must contribute to the State according to a fixed proportion, they entered on injustice, and they would in the end have no alternative but either to give up the bill, or to involve themselves in endless difficulties, whether any scheme might not be devised, founded on some other principle, which might meet these difficulties, he would not undertake to assert; all that he would say was, that no such scheme had been submitted to the consideration of the House. He had thought it his duty to make these few observations to the House. Having himself a strong opinion on the subject, he did not like to vote against so many of those with whom he had so long been in the habit of acting, if he did not endeavour to state the reasons which had brought him to those opinions, and to show them that it was not without consideration that he had come to the opinion which he had; and, knowing that the opinion which he entertained on this subject was not very popular, he felt that he should be shrinking from his duty if he did not state his sentiments.

Sir *R. H. Inglis* said, anxious as he was, that the right hon. Baronet (Sir R. Peel) should reconsider one portion of the bill with a view to the reduction of the burden of taxation on the largest class of the people, and aware that the proposition of the hon. and learned Member for Bath would, to a great extent, effect that object, he yet could not concur with him in the principle upon which he advocated that reduction. The hon. and learned Member proposed to relieve one class; the object which he desired to effect would be to relieve the poor of all classes. He had appealed to his right hon. Friend (Sir R. Peel) on a former occasion, about three weeks ago; he had asked no immediate answer, and he felt that he had no claim to ask any other answer than that which his right hon. Friend in the course of the discussion, might be pleased to give to the suggestion which he had then given. He now repeated it. The proposition to which he had called the attention of the right hon. Baronet was, that he should give to all classes in all the schedules, the same benefit which he had given in respect to persons who nominally had an income of 150*l*. a-year; that whatever might be the income which any individual might receive he might—as his friend the Member for the county of Durham had stated—begin with the sum of 150*l*. as the unit. If he relied on the promises of numerical support which he should receive, and he had no reason to distrust them, he felt that he should not bring forward this subject, if he were to bring it forward in the shape of a substantial motion, without some fair prospect of success. But he could assure his right hon. Friend that his object was, not to weaken the great financial measure which he had proposed, and least of all so by the support of those who in no other instance would probably do him the honour of voting with him. It would free the tax from a large portion of its unpopularity if the right hon. Baronet could feel that it was consistent with his duty to begin the tax on income at the point to which he had already called attention. Any one who in that House happened to propose any subject of general interest was sure to receive in the course of the next twenty-four hours so many letters on the subject of the debate in issue, and written with so much evident sincerity, and with the names of the parties attached, as must satisfy him that he had not proposed a proposition unsupported by great masses of his fellow-countrymen; and if he could bring before the right hon. Baronet statements made to him, which he had every reason to believe were most authentic and unexaggerated, he thought that he could justify to him the proposition which he had had the honour to make. His right hon. Friend the Member for Taunton had referred to the cases of clerks at 154*l*. per annum. Now, one of the letters to which he had already adverted stated just that case. It was the case of a gentleman having an income of 155*l*. upon which he had to maintain the appearance of a gentleman. He stated he was now sixty-four years of age, that he had had a family of thirteen children, five of whom were even now burdens upon him, and, besides them, he had an aged relative, a lady, ninety-one years of age, dependent upon him; and that to take from him the amount which the proposed Income-tax would take would be a very severe punishment upon him. He knew that his right hon. Friend at the head of the Government had said, no doubt with great truth as it regarded the larger incomes, that the effect of the tariff, with which he meant to accompany this Income-tax, would so diminish the price of articles of consumption as considerably to relieve those upon whom he meant in the first instance to impose the burden to which he was now adverting. But ordinarily the reduction of prices would have reference to the cases of luxury, and in very few instances would it apply to what might be called necessaries. These reductions would benefit persons with 6,000*l.* and 10,000*l.* per annum; but would afford no relief to such individuals as the gentleman to whose case he had called the attention of the House. There were classes of the same kind who scarcely ever tasted butcher's meat, and to those classes the reduction in the duties on sugar, coffee, or any one of the 1,200 articles mentioned in the tariff, would afford no relief or benefit— at all events, it would be very slight. There were individuals whom this tax would effect, who had not what that House would scarcely call luxuries, but which the butlers of many hon. Members on both sides of the House would call necessaries. It was not, therefore, to that one class of individuals whom the hon. and learned Member for Bath had taken under his protection that the remission which he asked would be advantageous, it was the poor of all classes under all the schedules of this bill that the remission of taxation which he respectfully submitted to his right hon. Friend at the head of the Government would apply. His right hon. Friend must remember, that unpopular as any tax must always be, it was a great object to diminish that unpopularity as much as possible. The House knew by the returns which originally had been moved for by Mr. Baring (Lord Ashburton), showing the different amounts of dividends now distributed, that there were about 89,000 whose dividends were under 5*l.*—he spoke only from general recollection; and 64,000 whose incomes from the same source were under 10*l.* He did not mean to say, that these were individuals who would be sufferers at all by the proposition of his right hon. Friend, or that they would be relieved by that of the hon. and learned Member for Bath. He alluded to it merely as an illustration of the truth of the assertion that the property of England, notwithstanding that there was the law of primogeniture — notwithstanding there was a strict entail—notwithstanding that this country was the most aristocratic in feelings of any country in Europe—there was a larger subdivision of property in this country than in any other. The greatest number were comprised in the class of those who had 150*l.* per annum. His object was not by any sudden leap from 150*l.* to 151*l.* to take 4*l.* 10*s.* from the possessor of one of those incomes, and to leave the other free, but to give to the individual who had 200*l.* a-year the same remission as would be given to the man of 150*l.* income, making him pay only on the surplus 50*l.*, and in the same way the man of 250*l.* pay on the surplus 100*l.* He was sure his right hon. Friend was as intensely anxious as any man to promote the welfare of his fellow-subjects, and that he could have no other wish than to discharge his duty to the Crown and to the community, by raising as large a portion of the revenue as he could with the least possible inconvenience. But he submitted that his right hon. Friend had greatly understated the amount of revenue which he would receive under the present bill, if carried into a law as it stood. He was sure from what he had heard that his right hon. Friend would receive so much larger a sum from the metropolis alone, that he could not but think he would be able to make this concession, which he (Sir R. Inglis) again ventured humbly to submit to him. He (Sir R. Inglis) had made some calculations, but with them he would not trouble the House, because he could not rely with absolute certainty upon their accuracy; but at the same time he could not but believe that, though his right hon. Friend might lose upon the smaller sums, yet in the aggregate he would gain in the amount of revenue by the adoption of this plan, which would remove unpopularity, relieve those upon whom the burden would be most grievous, and which was better than any suggestion which had yet been offered for those purposes. Not wishing to embarrass his right hon. Friend, though knowing he could carry his proposition by the assistance of those who did not agree with him in any other points, he would not put it to the vote. He submitted it, however, to his right hon. Friend, and he should feel grateful if he gave it his consideration, and doubly grateful if that consideration should induce him to give the suggestion his support.

Mr. *V. Smith* said, he hoped his hon. Friend opposite (Sir R. Inglis) would not think he meant any disrespect to him or to the House, if he did not enter into the foreign question which his hon. Friend had introduced on the present occasion. He would not say, however, that if his hon. Friend should at the proper time introduce his proposition as a substantive motion, he would not give it his support, if from such a quarter his hon. Friend would receive it. He was extremely rejoiced that the question had been raised on the present occasion by the hon. and learned Member for Bath, first, because, among all the long and arduous debates which had taken place, this certainly, was the most damaging to the Income-tax; and, secondly, because he could not agree with hon. Gentlemen who said, that the House was not to consider the details of the measure, but to take it as a whole; it would be the greatest of all pities to improve or alter in any way. He thought it was the duty of the House to mitigate the evils of this bill, and he must say, that no answer whatever had been given to the proposition of the hon. and learned Member for Bath. He had pointed out the great injustice which would be worked upon the classes he sought to protect, and it was no answer to say, that there were other injustices, and that, therefore, the House ought not to proceed to remedy this particular injustice. The hon. and learned Member for Bath had pointed out an easy remedy for this injustice, and if any other hon. Member pointed out any other injustice to which an equally easy remedy could be applied, he for one, was prepared to give him his support. He did not agree with his right hon. Friend the Member for Taunton, that this was that sublime war tax with which they had nothing to do in the way of amendment; but whether it was a war-tax or not, he could not help observing, that we had never been said to be in such a state of emergency as to be compelled to impose it, except as a war-tax, and such only, although the right hon. Baronet himself did not even say, that it might not be so modified as to be available on future occasions in a greater degree of intensity. But to proceed now to the particular proposition of the hon. and learned Member for Bath. The right hon. Gentleman, the Chancellor of the Exchequer, had said, that this was a tax which had been adopted in preference to some other tax, which would have borne equally heavy upon the professional income. But he begged to declare his belief that such was not an argument applicable to this case, because whatever other tax might be proposed, so long as it was not in the nature of direct taxation, it might be avoided, and so its operation would, to a certain extent, be got rid of. The hon. Member for Liskeard, the other evening, had stated a very strong case of a life annuity, to which he wished to refer. He had spoken of a gentleman, a member of a profession, forty years of age, who by his exertions made 5,000*l.* a-year, and who had a mother aged eighty, who received 500*l.* per annum under a life annuity, and he had argued that it would be the greatest injustice that the mother should be taxed while her son escaped under an exemption. He admitted that there would be great injustice in the case, if the proposition of the hon. Gentleman were carried out to its full extent, but by the motion now before the House the difficulty against which he had contended would not arise, because that motion did not propose to exempt professional incomes altogether, but to reduce the amount of taxation on them only by one-half. Against such a proposition as the entire exemption of such incomes, he should undoubtedly give his vote, but the motion of the hon. and learned Member for Bath was of an entirely different character, and was founded upon the supposition that the imposition of one-half the amount of taxation on professional incomes would place them in a position of equality with permanent incomes. For his own part, he believed that the tax upon professional incomes was by far the greatest injustice which was proposed to be perpetrated under this bill. A professional income could not be ranked as an estate for life, or as an estate which would fail only with the necessity for its continuance, but it was an estate which endured only during health. It depended, as the hon. and learned Member for Bath had suggested, not merely upon the will or the ability of a man to labour, but in many instances upon the temporary fashion to employ him, and it was impossible to calculate even from year to year how long that fashion might continue. His right hon. Friend the Member for Taunton had referred to a speech made by Mr. Pitt, and undoubtedly his arguments were entitled to great weight; but when Mr. Pitt had said that all incomes should be taxed equally, he thought that must be viewed as one of those wholesale arguments which could have little influence in such a case. The principle of an universal equality of the tax, to his mind, could not be supported, for he could hardly see how the fundholder was to be benefitted, by a gross injustice being done to the holders of professional income. He could not help expressing a feeling of regret, in which he thought the hon. and learned Member for Bath would agree—that that hon. and learned Member, seeing so many of the evils of this tax, had not been prepared to give a more general opposition to the measure, and that he should have ever declared his belief that this was a bold, comprehensive, and honest measure.

Sir *R. Peel:* I was rather surprised to find that the right hon. Gentleman who has just sat down would vote in favour of the proposition of the hon. and learned Member for Bath, because he says, that whenever you can do justice you must do it; but there is a clear distinction between the cases of trades and of professions, and there is a peculiar aggravation of the injustice which pervades this bill, in respect of professions, which does not apply to trades. The right hon. Gentleman, therefore, should make a distinction between trades and professions, and should propose that they should be made subject to different rates of taxation. And it will be no answer, according to the view which he has taken, that there will be a difficulty in doing so; for there will be no greater difficulty than that with which the hon. and learned Member for Bath has to contend; and it is clear that, according to his principles, he cannot support the motion of that hon. and learned Member, but that he should rather strive to apply a rule to professions different from that which he would apply to trades. I think, however, without going any further into this point, that we should on this occasion confine ourselves to the discussion of the question, whether it would be just according to the principles on which this House usually acts, and fitting as regards the interests of the public, that a distinction should be made according to the source from which the tax is to be derived. And I will first observe, with regard to the right hon. Gentleman the Member for Taunton, that I concur with him both in the vote which he is about to give, and on the general grounds upon which that vote will rest. The right hon. Gentleman assumes, for the sake of argument, that the House is right in imposing an Income-tax, and he says that if that be a just and an expedient course to take, there should be no exemption on account of any supposed difference with regard to the means of obtaining the income of the person taxed. I differ from the right hon. Gentleman in this; and I retain the opinion which I originally expressed, that if you have to raise 3½ or 4 millions of money, under the present circumstances of the country, there is no manner in which it can be raised with less of embarrassment or inconvenience to the community than by imposing a tax upon income. I repeat that I retain the opinion which I have always expressed, and that all the discussions which I have heard upon the subject, have only confirmed my impression, that on the whole, there is no other course by which the same end could be attained, and less of injustice done. The hon. and learned Member for Bath, in referring to this part of the subject, has alluded to the maxims laid down by Dr. Adam Smith, with regard to the principles of taxation. Those maxims are—

> "The subjects of every state ought to contribute towards the support of the Government, as nearly as possible, according to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the state. Secondly, the tax which each individual is bound to pay, ought to be certain and not arbitrary. Thirdly, every tax ought to be levied at the time, or in the manner, in which it is most likely to be convenient for the contributor to pay it. Fourthly, every tax ought to be so contrived as both to take out, and to keep out, of the pockets of the people as little as possible, over and above what it brings into the public treasury of the state."

From these maxims a recent writer has drawn this conclusion, that there is not one of those maxims taken on the whole, or scarcely any part of any one of them taken distinctly, which a tax on income does not more fully confirm than any tax of any other description; and that writer refers to these propositions for the purpose of showing that the tax on incomes is more just to all classes of the community, and particularly to the great consuming classes, than those taxes which are derivable from any other source. And I must say, that if we had attempted to levy this amount of taxes, either on articles of consumption, by an increase of the window-tax or of the assessed taxes, or by a house tax, the particular class which would have been peculiarly subject to the additional burdens to be imposed, would have consisted of those persons who derive their incomes from professional employment; and I say again, that this Income-tax has this advantage over all other taxes, that the wealthy man cannot escape its operation by withdrawing himself from this country, for whether he remains here, or absents himself altogether from this country, so long as he derives his income from this country, he is still open to the operation of the tax. With regard to the particular exemption sought to be established by this motion, I agree with the right hon. Gentleman, the Member for Taunton, and I cannot help thinking that whatever course that right hon. Gentleman may take—whether it be a popular or an unpopular course—it is, under all circumstances, only that line of conduct which is dictated to him by purely conscientious motives. I will now address myself to the arguments of the hon. and learned Member for Bath. He spoke very warmly on the great responsibility which devolves on me individually on account of the decision to which I have come on this subject. I can assure the hon. and learned Member, that when I have arrived at a conclusion that a particular course is the just course for me to take, with regard to amount of responsibility which devolves on me, I am prepared to undertake it all, for I think that it is a responsibility which I ought to bear. Now, the hon. and learned Member agrees with me that the Income-tax, subject to those modifications which he has stated, is, on the whole, the most just impost which could be adopted. I make the proposition as it now stands before the House, and he does not propose to remedy any one of the evils alleged against the tax on account of its inquisitorial nature. [Mr. *Roebuck:* We have not come to that yet.] Speaking of the hon. and learned Member's proposition, the inquisition into the incomes derived from trades and professions must equally take place, whether the amount to be levied be 3½*d.* or 7*d.* in the pound; and the inquisition so much complained of, would be only aggravated under this new proposition, because the same objectionable mode of ascertaining the income of a person must be put into operation for the purpose of levying a smaller sum than would be raised under my proposition. His motion, therefore, has not for any part of its object the application of a remedy for this alleged defect, but his proposal is simply this, that other incomes being subject to taxation to a certain amount, the income derived from trades and professions shall only pay one-half. I object to that proposition, because I think that an adherence to the plan brought forward by the Government would work less injustice than would be produced by such a system being adopted. We proposed to levy a tax on the income of the country to enable us to supply the deficiency in the revenue, but at the same time we seek to make an abatement in the cost of articles of consumption, in the hope to benefit all classes, but more especially those classes of which the hon. and learned Member is the advocate. The other night the hon. and learned Member appeared to view the justice of my proposal in a different light, and he argued that if you could make any distinction whatever, it should be on account of the permanency of the tenure of property; for when I went on to show the difference in respect of real property, as to the permanency of tenure, he said, that in every case he would make a proportionate abatement. That is not his proposal now, I understand the justice of what he said then. I can understand your saying that in respect of all income, from whatever source derived, we should look to the duration of the interest of the holder of it, and subject all persons to a proportionate tax. The hon. Member says now, "I will leave the income arising from real property subject to the Income-tax, but I will take one particular species of income which shall be exempt from it." But what has the hon. Member done? He has agreed to schedule A. being passed; he has agreed that "for all lands, tenements, and hereditaments, or heritages, in Great Britain, there shall be charged yearly, in respect of the property thereof, for every 20*s.* of the value thereof, the sum of seven pence." He has not proposed any distinction to be drawn according to the duration of such income; but he says, "I will take the case of the fee-simple of an estate being vested in a particular person, and I will compare the value of the income arising from such estate, with an income derived from the professional exertions of a man;" but I say the hon. Member is not at liberty to do so. He has not proposed to say to the owners of an estate in fee-simple, "You can sell your estate for twice the value for which you would sell it if you possessed only a life interest in it, and therefore a distinction shall be made in your case, and the person enjoying only a life-interest shall pay less tax than you;" but the hon. Member says, "No matter what your interest may be in landed property, all owners of such property shall be subject to an equal rate of taxation." The hon. and learned Member, then, has subjected the owner of an estate in fee-simple, and he who has only a life-interest in an estate, in like manner, to an Income-tax of 7*d.* in the pound, without making any distinction as to the difference of the tenure of their respective properties—he has subjected the occupying tenant to the Income-tax, without any reference to the nature of his tenure—nay, he has taken the man who holds his property at the will of his landlord, who is subject to be turned out of possession by a six months' notice—whose income depends upon his landlord's will, and upon the vicissitudes of the season—who has no permanent holding of his property, and whose tenure is not half so good as that which the surgeon, or physician, or the lawyer, possesses in respect of his income—he has said to the occupying tenant, "You shall pay according to an assumed rate of profit; your profits shall be assumed to be equal to one-half your rent;" but, then, without reference to the uncertainty of that profit, or of the tenure, the hon. Member has said to him, "You shall contribute to this tax at the rate of 3½*d.* in the pound"—he has said that the holder of a terminable annuity should pay 7*d.* in the pound—he has determined, without raising any question at all, that in the case of a man who has sunk 10,000*l.* in the purchase of an annuity for life, he shall be subject to a tax of 7*d.* in the pound; and yet he now seeks to draw this distinction in favour of persons whose position I may say, without hesitation, is far more fortunate than that of many of those to whose taxation upon the full scale he has offered no objection. If the test of the hon. and learned Gentleman is a good one, let him go into the market and ask what is the value of the various incomes to which I have alluded, and let him apply his test in reference to the answer which he will receive. Then, by a future schedule, I am about to subject the holders of office, without any exemption, to the payment of a tax of sevenpence in the pound. All clerks in public offices, all those holding office during pleasure, are to be required to pay a tax of 7*d.* in the pound on their incomes. If the uncertainty of the tenure of incomes were to prevail at all in the consideration of the question, I should think, from the experience of late years, that holders of high political offices were entitled to some favour. But it is proposed that all those who are in this position, who have devoted all their abilities to the public service in the various civil departments of the State, shall be called upon to contribute 7*d.* in the pound on their income, equally with the holders of property in fee simple. I will take the case of all military officers receiving half-pay, or receiving full pay and engaged in the performance of their duties: it is proposed to subject them to this payment of 7*d.* in the pound on the amount of the income which they may derive from their exertions in the public service; and then I say, if you do subject incomes of this kind, so different in their tenure from those arising from fixed property—if you do subject the clergyman of 300*l.* a year, who holds property which is, no doubt, of a permanent character, namely, his tithes, and his living, but whose tenure of it is most precarious—if you do subject him who receives an income with important professional duties attached to it to a tax of 7*d.* in the pound—reviewing all these cases, I contend that there is more of justice in subjecting the professional man, and the person whose income is derived from trade to this tax, than if I continued all these classes subject to the Income-tax, but said that with respect to trades and professions there should be an exemption. [Viscount *Howick*: An exemption is not asked for.] No; but an abatement of one-half is asked for, resting on an entirely arbitrary rule. If you ask me what would be the public impression if I gave way to the proposition of the hon. and learned Member, I must say that I think that if I did subject the widow with a jointure only enduring for her life—the holder of a terminable annuity, the clergyman, the admiral, the general, and all those other classes to which I have referred, to an equal amount of duty with the holder of property in fee simple,—but should now take the wealthy physician, the lawyer making a large professional income, and the great banker of London, and relieve them from their liability, my opinion is, that the public impression would be, that this

House would be guilty of great injustice in sanctioning such a course to be adopted. If trade has been unproductive, we do not seek to tax it upon any assumption of profit. If on the average of the last three years, the employment of capital in trade has been accompanied by no return, an exemption from payment will be the consequence. The levy is to be taken in most cases, where the trade has continued for more than three years, upon the rate of profit derived from the income of the trader during the preceding three years. Allowances and deductions are made in these instances, where, I must say, none are made with respect to the landed interests. In the cases of professional men deriving an income of from 2,000*l.* to 4,000*l.* per annum from their exertions, whether they be physicians or lawyers, I apprehend that they have as great an interest in the maintenance of the tranquillity of the public credit, as many of those classes who would be supposed, by their immediate connections with the country, to be more particularly desirous for the stability of our institutions. So, also, in case of persons engaged in trade, who are as deeply interested in the due support of the credit of the country, at least, as naval or military officers. Therefore it is that I contend that the hon. and learned Member is not carrying out those great principles for which he contends, but which I admit to be incapable of execution; because, in order to effect such an object, you must have an inquisition ten times more rigorous than that which is proposed. As I have already said, I do not consider the proposal of the hon. and learned Member a just one; if I am to have the Income-tax—and I will not now stop to consider whether it is a proper tax or not, because the principle has already been adopted by the House—it does appear to me, that it is both just and manifestly expedient that all descriptions of incomes should be subjected to it; whether it be a time of war or peace makes no difference whatever; there is no distinction in this case with regard to the period at which the tax is to be imposed. My right hon. Friend, (the Chancellor of the Exchequer) said truly, that there was no clamour raised against the application of this tax to professional incomes during the war; and I say, there was none, because it was felt, that to raise such a question would have been to attempt to introduce an unjust distinction. If the distinction is unjust in the time of peace, it is clearly equally so in the time of war. If the income derivable from trade, on account of the fluctuations of trade, ought to contribute less to the State than the income derived from land, what reason is there why that rule should not hold in time of war, as well as in time of peace? If you admit this principle, you will establish a principle which you must admit in time of war, and you will admit that the taxation which existed in 1803 and 1806 was unjust. And whatever may be the emergency or necessities of the country in time of war, you have nothing to do but to tax landed property at 12 per cent., and professional incomes at 6 per cent.; and if that is not sufficient, you must tax landed property at 20 per cent. in time of war; and incomes derivable from professions at 8 or 10 per cent. Nay, I can show good reasons why such a distinction should be drawn in time of war rather than in time of peace. The tendency of war is to increase the value of landed property. That effect was certainly produced during the last war; and war also has a tendency to depress commercial enterprise, and to interfere with the profits of trade. If it be just to make this distinction, then, in time of peace, it is equally so in time of war. It is quite clear that, if the justice of the principle now urged be admitted, upon some future occasion it will be said, "True, you want twenty millions, and you must raise it by an Income-tax; but if it be unjust to subject us to the burden, raise three-fourths on land and one-fourth on us." And, therefore, I think that the establishment of such a principle as that which is contended for by the hon. and learned Member, is open to more objections than that which is based upon the maintenance of the nominal equality of taxation. The amount of duty now proposed by the hon. and learned Member is 3½*d.* in the pound, but he leaves the question open to the consideration whether that contribution be just or not. He claims for his proposition that it will do "rough justice," but there may be parties in the time of war who will think it desirable to smooth down his injustice, by still further removing the liabilities to the imposition of which he consents. When I consider the whole of the circumstances of this case—that if I call on any particular interest to part with its protection—if I abolish the prohibitions on the introduction of the produce of foreign countries competing with England, it is in the belief that I am in the course of passing financial and commercial measures to benefit the trading classes of the community of England, whose decline must be accompanied with that of other classes, and that I still believe that the first effect of that commercial tariff will be to benefit those who, in the first instance, derive their property from trade. I believe there will be no persons who will derive more benefit from these measures than those who are necessarily resident in this country; and I hope, and trust, and believe that they will, in the diminished cost of living—not merely in the articles of produce of this country, but from the general effect of the tariff in respect of the manufactured articles of other countries, derive advantages which will afford an ample compensation, even to members of professions and trades, for a great part of the reduction which I shall make in their incomes, in asking them to pay out of any of their incomes amounting to 300*l.* per annum, as little as 8*l.* in three years. And it is on these grounds that I must adhere to the proposal which I originally made, which I believe to be more in accordance with justice than the principle involved in the amendment of the hon. and learned Member for Bath, and I am not to be deterred from any fear of the responsibility from a firm adherence to that which I believe to be most consonant with justice, and most for the public benefit.

Mr. *Labouchere* felt, that the right hon. Baronet had mistaken some part of his argument. He said, that he conceived that, with respect to the Income-tax—the proposition of which was naturally not very satisfactory to the payers of it—that there was a disposition to break down particular parts of it at present, and which, in time of war, must be necessarily continued. He did not say that there was any more ground for making a difference in the operation of the tax in time of peace, than in time of war. He believed that if they made exceptions in times of peace, it would be found absolutely necessary to make similar distinctions in time of war.

Viscount *Howick* remarked, that with all the ability which the right hon. Baronet had brought to bear on this subject, the whole result of the speech which the right hon. Baronet had addressed to the House, had been met in argument by anticipation, by the hon. and learned Gentleman who had proposed the amendment, when he alluded to the circumstance, that after the exceptions he had proposed to make, other cases of injustice would still exist. This was the sum and substance of the argument of the right hon. Baronet. The right hon. Baronet showed the very different degrees of permanence under which landed property was held. He said, that the circumstances under which it was held, were so various, that it was utterly impossible in any way to deal in just and equal fairness with the circumstances of each case. The inference, then, from this opinion was, that the tax was an unjust tax, and the result of the determination of the right hon. Baronet was, to bring a measure into operation by which the tax must retain all its injustice. He was compelled to differ from the right hon. Baronet—looking to the present circumstances of the country—as to the necessity of such a tax, and also as to the declaration which he had made, that an Income-tax, would fall with less pressure and injustice on all classes of society in this country than any other which he could impose. The right hon. the Chancellor of the Exchequer had also stated, that the charge of inequality which was made against this tax, could be made with equal justice against all other descriptions of taxes, and that similar inequality would be one of the effects of imposing any indirect taxes. He did not believe, that this was the effect of these taxes in general, but that their operation was to make the burden fall in due proportions on the expenditure of each individual. They had their taxes imposed on the necessaries and luxuries of life—upon articles of general consumption, and upon horses, servants, carriages, &c.; and, according to the expenditure of each, the tax-gatherer would slip in and tax each person according to his available income. The State did not say how much each man should expend, but he was told, that according to what you think proper to spend, in that proportion you will be taxed. This was the general system of taxation in this country. Now, what was the case of the professional man? The tenure of his income was necessarily of a very uncertain character, and it could not last for a very long period. For the purpose of providing for his family, he expended only comparatively a small portion of his income and put by the remainder, and of course contributed to the revenue in proportion to his expenditure. A person, however, whose income was derived from a more certain source, could afford to expend more, and of course he contributed more to the taxation of the country. The general result, then—for they could not look with nicety into each case—was, that each person under our present system of taxation contributed in due proportion his share to the public revenue. It might be said, that by your present system you let the taxes fall upon professional men, while persons with a fixed income could escape them by living abroad. Now, he believed, that if they changed the system by which they increased immensely the burdens of the people without adding anything to the revenue—namely, in the shape of protecting duties — that nearly all ground of complaint would be removed. His own conviction was, that there was no country in which a person could live more advantageously than in this country, be his income large or small. He, therefore, did not think that this was so just a tax under the circumstances of this country as the right hon. Baronet represented. Upon this point, however, the House had already decided, therefore he would not advert at greater length to the matter. He admitted, after the decision which the House had come to, that an Income-tax must be imposed; but modify its character as you pleased, you could not help making it still unjust and unequal in its operation. But, as the House had decided on imposing it, the House should take care that it should fall with the least possible weight and inequality on all classes. He had heard it stated, that it was true, that this was a case of injustice, but if they adopted the amendment of the hon. and learned Gentleman, other cases of injustice would remain unredressed, but this reason did not diminish the hardship upon those who would suffer in the way pointed out by the hon. and learned Gentleman. He would say, deal with this case of injustice, and proceed to take the other cases of a similar character as you come to them, and so arrange the tax as you would the better enable all classes to bear it. It was true, that the right hon. Baronet might again point out an instance of a person holding an estate in land for a short period; it would, therefore, be unjust to tax him in the same ratio as a person having a more permanent holding. Again, it might be asked whether an aged person, having a life interest in property, should be taxed in the same proportion as a young person holding a property in perpetuity; and they were asked how the calculations of the amount of tax in each case could be made. He would pass them by as not having any direct relevance to the general principle embodied in the hon. and learned Gentleman's motion; but taking the whole amount of professional incomes, and the whole amount derivable from more certain sources, he would ask whether it was not fair to make a difference in the tax on those incomes derived from the exertions of men, and on those obtained from realised property. This argument had been so ably stated by the hon. and learned Member for Bath, that it was altogether unnecessary on his part to go into it. It was so obvious, that professional men, as regarded their incomes were in so different a situation from the holders of landed property, that it was quite unnecessary to attempt to prove it. There was one other point to which he would call the attention of the committee. The right hon. Gentleman said, that if they applied an exception to the rule to incomes derived from professions, that there were other cases in which they would in justice be bound to apply the same rule. The right hon. Gentleman put the case of a farmer. He said, that the tenant of a farm might be dispossessed at a very short notice by the owner of the property, and might be called upon to give up his farm suddenly, and notwithstanding the uncertain tenure in which he held his means of obtaining an income, could you impose a tax larger in amount on him than on a professional man? Now, he considered, that the farmer did not necessarily lose his income because he was suddenly dispossessed of his farm, for his income was derived from the employment of his capital in the cultivation of the land which he held, and if he was dispossessed of his farm he would take his capital with him, and would find some other means of employing it. If, as the hon. and learned Gentleman had stated, there was something peculiar in any case of trade, or as regarded the farmer, there would exist, if this motion was agreed to, an indisputable right to have the matter considered. He did not think, however, that they should make a different rule for traders in commodities and those engaged in the trade of agriculture. If, however, it was thought desirable to make some exceptions on this account, they could easily adopt some change in the arrangements with respect to the farmers. Then with respect to the alleged uncertainty in the profits on incomes derived from mines, he could only observe they had not yet come to that part of the bill, so as to determine whether they should be placed in one schedule or another. When they came to the subsequent part of the bill, if any proof could be adduced of the propriety of modifying the tax, as regarded this description of property, it would be just to do so. In the same manner, also, with respect to tithes, and to officers in the army and navy, they would hereafter have to deal with that part of the case, and they could make such alterations as justice required. There was a manifest distinction between all these cases and income derived from a man's personal exertions, by exerting his talents in following one of the various professions. The income thus derived was not merely dependant on the duration of a man's life, but on a thousand different causes of uncertainty which apply to this description of cases, but not to others. Was it not notorious to every one whether a professional man was not always in an evident state of uncertainty as to the continuance of his income from the continuance of his health, and from various other causes. Should they not, then, make a deduction from the amount of this tax in proportion—as nearly as they could calculate—to that uncertainty? The right hon. Gentleman had spoken of the matter as if it were intended to except professional incomes altogether from the payment of the tax. But this was not the case, for all that was asked by the hon. and learned Gentleman's motion was, that from these kinds of income you should make a deduction in the amount of the tax. They admitted, that as long as you had this tax, all kinds of income should be taxed; but he could not agree in the justice of taxing them in equal proportions. The right hon. Baronet had said, that if this amendment were adopted, it would leave the odious character of the inquisition the same, and that it would even be more objectionable if it were employed for the purpose of raising a very small sum of money. That, he thought, was an objection to the whole of the right hon. Baronet's measure. He agreed in the opinion expressed by the right hon. Baronet in 1833, that for the sake of 3,000,000*l.* or 4,000,000*l.*, it was not worth while to resort to an Income-tax with all its inconveniences. That was an opinion which he had shared with the right hon. Baronet in 1833, and he did not change it with him now; but he did not see why the objection urged by the right hon. Baronet might not be met by having a still larger Income-tax, and relieving the people of some of the burdens which still pressed upon them very heavily. The right hon. Baronet said, the principle of this bill was equally applicable in war as in peace. No doubt of it, and it was because he could not help fearing that if once it were established—if the people got used to the inquisition and its odious character, we should be exposed to its burdens for a long time, and on that account he was extremely anxious that the measure should be carefully considered and rendered as just as possible. The right hon. Baronet also said that the mode now proposed of imposing the tax was the same as before, and that he believed there had been no complaint against it during the war, and added, that its injustice was, if possible, greater in war, because the events of the war had a tendency to raise the value of landed property. He believed the reason why it had not been more objected to, both by the landed and other classes, was to be found in the circumstances of the war, which prevented the burden from being severely felt. We had then a currency daily depreciated—an accumulation of debt—the country anticipating its prosperity was living upon its resources, and an artificial prosperity was created, which prevented any class from feeling the tax as it otherwise would. Professions and trades felt it less than they would now, because there was a demand on the services of every man who could raise an arm in the service of the State, and the army carried away many who might otherwise have engaged in professions or trades, and there was not the same difficulty in finding employment in any branch of business that there was now. The state of things was completely altered now, for no man could look round him without perceiving that professional persons felt severely the effects of the intense competition which took place in every profession, trade, and employment, and it was at the moment of this diminution of the profits of all business that this oppressive tax was to be imposed. He should only add, that if the principle of the amendment were adopted it would be worthy of consideration, in determining upon the details, whether a distinction should not be made between those profits which were the profits of capital, and those which arose from the personal exertions, application, and industry of the individual. It was the personal reward of personal service which he wished to see relieved from the tax, and not the profit arising from the employment of capital. He admitted that the amendment in the shape in which it stood at present did not fully carry out that view, but it embodied the principle, and if the House decided in its favour, the details could be so modified hereafter as to carry into effect the principle, and it was for the principle only that he now voted in support of the amendment.

Mr. *E. Buller* thought the amendment would produce greater inequalities than the bill itself, and he should therefore vote against it. By adopting the amendment of the hon. and learned Gentleman the tax would be made more unequal than it was even in its present state. If, however, the proposal had been to enter a review of all those cases which had a just claim for exemption, he for one would have given it his support. But, at the same time, he should have a very different opinion of the right hon. Baronet's intelligence and ability, as a minister and statesman, if he allowed "a spirit of health, or goblin damn'd," to induce him to give way, and enter upon such inquiries. He protested against the tax on the whole as unjust, demoralising, and unequal.

Mr. *Wallace* had listened with great attention to what had fallen from the hon. Member for Bath, and he must confess, that he had not heard one word that in any way controverted his statements. He thought the right hon. Baronet, and those who had spoken from the other side of the House, had totally failed to upset any of the arguments of his hon. and learned Friend. He wished to know from the right hon. Baronet on what ground he required the mercantile interests to pay the tax upon the calculation of their income for three years, instead of one? For his own part he could not see why they should not pay upon the last year as well as other people. He thought that those who had a fixed income ought to be placed in a different situation to those adverted to by the hon. Member for Bath. He did not believe it was justice to exact from the trading interest a tax based upon any other principle than the last year's income, and he should put a notice on the paper to that effect. He should most cheerfully vote in favour of the proposition of the hon. Member for Bath, and when that was disposed of he would vote for the motion of the hon. Member for Rochdale.

Mr. *James* wished the right hon. Gentleman opposite to inform him if insurances on lives were to be taxed 3 per cent. under the measure now before the House; as, in his opinion, it would be a gross injustice to subject premiums to taxation. A man might have some chance of defending himself against the sword or pistol of the highwayman, but he had no chance of defending himself against an injustice such as this. He should give his support to the motion proposed by the hon. Gentleman near him (Mr. Roebuck).

The *Chancellor of the Exchequer* was not quite sure that he understood the question of the hon. Gentleman; but if he meant to ask him whether insurance offices were to be subject to the payment of a tax of 7*d.* in the 1*l.* on the premiums for insurances, he begged to say that that was not the case—insurance offices would pay on their profits or gains, and not on the amount of money paid for premiums.

Mr. *Leader* had listened very attentively to the arguments which had been brought forward in favour of and against his hon. and learned Friend's proposition, and, without meaning offence to hon. Gentlemen opposite, and the two or three hon. Gentlemen on this side who had opposed his hon. and learned Friend, and though he was afraid the majority would be against him, he must say that the weight of argument was entirely on the side of his hon. and learned Friend. As to the statements made by the right hon. Gentleman (Mr. Labouchere), and the hon. Member for Stafford (Mr. E. Buller), it appeared to him that they did not speak against the motion of his hon. Friend because they had any strong opinions against it, but merely because they considered it might be some improvement of the details of the measure, and they wished the bill to go forth in an unpopular shape. They evidently considered the tax odious, and one that would make the Government unpopular, therefore they declined being parties to any alteration that was calculated to make it less oppressive. He desired to call the attention of the right hon. Gentleman opposite to a passage contained in the speech from the Throne at the beginning of the Session. Her Majesty said, she

> "Viewed with very great regret, the continued distress of the commercial and manufacturing interests;"

and he must say, that a greater discouragement to trade than this schedule D of the Income-tax he could not well imagine. He complained that it would operate unequally, and contended that 1,000*l.* a-year derived from trade did not represent more than one-third of the 1,000*l.* derived from land, and yet it was intended to tax both alike. He believed that schedule D would make the tax unpopular; and if hon. Gentlemen knew their own interests, they would not give it their support. It was this part of the tax which would fall especially on the constituencies, on those who would have to decide at the next election whether or not the present Government should continue in office. It was said, that when a Tory Government came back to power, we should have flourishing and prosperous times once more. What was the fact? Why, in the metropolitan districts, he had been informed from the best authority, there had never been such a bad season for trade as the present. Bankruptcies were taking place in every street, and in Westminster people were falling by streets instead of houses. And that was the time at which they determined on levying a tax on their profits. Aye, they were small profits now; but it was proposed to tax them on the average of the last three years, and not on what they were at this moment. He admitted it to be the duty of the State to tax persons according to the protection given them; but to tax trades and professions the same as incomes from land was to make them pay an amount disproportioned to the protection they received. There was a feeling abroad among the middle classes, trades, professions, and manufactures, that this House, representing a predominant landed, interest, did show favour to that particular interest, and did not act justly towards other classes. [" No, no."] He repeated, there was that impression abroad. The hon. Member for Knaresborough might say "no," if he liked; but that was the fact, and they had an instance of it the other night, when the hon. Member for Lewes brought forward his motion for equalising the probate and legacy duties. He had little doubt that, on this occasion also, they would furnish another instance of the careful attention which they paid to their own interests.

Lord *J. Russell* said, he should be sorry to occupy the attention of the House after the lengthened debate which had already taken place; but he could not reconcile himself to give a silent vote on this question. The hon. and learned Gentleman who had brought forward the motion before the House had stated, with his usual clearness, the arguments in its favour, and had endeavoured to answer that which was the chief argument used by the right hon. Gentleman on a former occasion, and which he had again used to-night. The right hon. Gentleman said, if you adopt a principle of this kind, see that you apply it fairly, and include those who have life incomes or for a less term than life, whether they be persons deriving their incomes from land, or as officers in the army or navy, or clergymen, or clerks in public offices. That was the principle of distinction, and they ought not to make it in one case without making it in others. The hon. and learned Gentleman stated, in answer to that argument, that it was not a worthy answer,—that if they could not do perfect justice, it was no reason why they should do complete injustice. It appeared to him, that if they adopted this proposition, they would not only not do perfect justice, but would be doing more injustice than they could remedy. There were so many classes of life incomes for which they did not propose any alleviation, that they would have a just right to complain, and any one who brought forward a case of that kind might claim from those who supported this proposition, that they should be granted an equal alleviation to the amount of half the income as was proposed by the hon. Member for Bath. Well then, if that were the principle, he thought the hon. Gentleman was bound, not only to propose this particular proposition, but to bring forward a whole scheme for carrying into effect the principles of which he was the advocate. He did not say that it was impracticable to make a distinction between durable and terminable incomes, but hearing neither from the Government, nor from the hon. and learned Gentleman any mode by which the tax could be generally imposed more equitably, he could not vote for this particular and special amendment. He had heard another answer to the amendment—namely, this distinction, that it might be said, persons generally deriving incomes from lands or funds had permanent incomes, and those deriving incomes from trades or professions only temporary incomes. But, take the case of an individual who had 500*l.* a-year, whether from land or funds, and for life, with near relations dependent upon him, but whose fortune went to some distant relative, or to a person with whom he had no intimate connection. If that person saw some rich banker or professional man with an income of 5,000*l.* or 10,000*l.* a-year which was charged only 3½*d.* in the pound, while he was paying 7*d.*, what answer would it be to him to say, "True, your income is only for life, but you belong to a wealthy class, whose incomes generally are permanent, and because you belong to that class, because with them you are included in schedule A, you shall be taxed 7*d.* in the pound, although other persons who have a considerable advantage over you shall be charged only 3½*d.*" They must take into their consideration what had been done in this respect on the imposition of the tax at former periods. It was not now a question of emergency. The House had decided, so far as the second reading could decide, that the emergency existed, and the tax should be imposed. Now, what was the manner in which this tax had been imposed by Mr. Pitt when Mr. Fox was in opposition, afterwards by Mr. Addington, and subsequently by Lord Grenville and Lord Lansdowne, when Mr. Canning and Lord Castlereagh were in opposition? At all those times the Income-tax was debated, and persons proposed, as in the present case, a different rate of duty for trades and professions. But, at no time, did he find that these statesmen, the chief authorities on the subject, nor any other person who took the lead in the debates in Parliament upon it, ever advocated the principle that a certain class should be taxed only half the amount of other classes. He could not, therefore, but come to the conclusion, that being unable to remedy other inconveniences, he would not vote for a doubtful remedy in this particular instance. At the same time, he repeated, he did not say it was impossible there could be a tax on property and income more just than the present bill, which would by great nicety of application, by extreme labour of calculation, apply to different incomes a rule more proportioned to the justice of each case. All he could say was, that he had seen no such scheme. No such scheme was before them, and, therefore, for the present he should not assume that one could be proposed. There was, however, one case of exception which might require examination. He believed, that when Mr. Pitt was pressed upon the subject, he did make some allowance of the nature sought for by the hon. Member for Dumfries (Mr. Ewart) for sums applied by individuals for the purpose of insuring their own lives. He did not know actually what that allowance was, but he thought, that some provision of that kind might be introduced into the bill. With these opinions, he could not vote for the proposition of the hon. and learned Gentleman (Mr. Roebuck). He did not take this course from any notion that it would make the tax more unpopular to levy the same amount on all classes, for he believed if they took off a portion in this case and refused to do it in others in which it was demanded with the same equity, they would render the tax more unpopular than by imposing it on all alike, as proposed by the bill. Therefore, the House having resolved to go into committee, he should vote on this point with the right hon. Gentleman at the head of the Government.

Mr. *Mitchell* was strongly in favour of an Income tax, but he thought the present clause, as it stood, was unjust, and he, therefore, urged its amendment, that it might not render it unpopular hereafter. He could understand the conduct of the noble Lord (Lord J. Russell) who, no doubt, was not desirous to remove from the bill anything that would render it unpopular, but, as he believed it to be a just tax, and one much better than any tax on articles of consumption, he was anxious to remove all its imperfections, and he, therefore, trusted that this part of it would be reconsidered.

Mr. *Roebuck:* The noble Lord near

him said he would not vote with him because he had not proposed an elaborate and comprehensive scheme, but he did not perceive that he was at all bound to do any such thing. All that he wished to do was to remedy what seemed to him to be a gross injustice. What was the pith of the argument with which the right hon. Baronet had met his motion? It was that the bill contained not one, but many injustices; and that it was idle to attempt to redress this particular one. The right hon. Baronet pointed to an injustice in schedule A, to which he said there was no opposition, to another in schedule B, and another in schedule C, which he said were not opposed. In fact the injustice in schedule C was opposed and very ably too; but if it had been otherwise, what was the worth of such an argument as this? Because all injustices could not be removed, was that a reason for adhering to a gross and palpable injustice which could be got rid of? Suppose the case that it was attempted to reform the criminal code, and that a general proposition for the purpose had failed or had no chance of success, was that a reason for not bringing forward a particular case—that of forgery, for example, in which there was ground for believing that an improvement ought to be effected? Should they refuse to take away an improper punishment from the crime of forgery, unless the proposal embraced also the removal of every improper punishment in the statute book. The Chancellor of the Exchequer made a speech, which was certainly not a reply to him (Mr. Roebuck). It appeared as if the right hon. Gentleman wanted to make a speech on the property-tax, and he made it. The right hon. Gentleman dwelt on the injustice of making a difference in favour of bankers, whose funds were of so permanent a character; but the property of bankers, which was not actually employed in their business, was invested in the funds or in land; and such property would pay the full amount of the tax. So, if a professional man was able to lay by a portion of his income, he invested it, most likely, in the funds, and the next year it would become liable to the full tax. The moment the receiver of professional income became saving, he would be taxed as heavily as others. None of these considerations weighed against his amendment. The real question was, had he shown an injustice, and a practicable way of removing it? The injustice was admitted, and the whole argument against his plan was, that "the bill is so bad, we dare not attempt to remedy one mischief, lest we should be called upon to remedy a dozen." In speaking of the right hon. Baronet's responsibility, he never meant to frighten him. But his position was one of eminent responsibility, and every one who aspired to such a position did so well knowing that great responsibility would press upon his head. The right hon. Baronet was the framer of this measure—the creator of the whole system. He governed his party—in fact, he was the party; and therefore it had been his (Mr. Roebuck's) wish to make the right hon. Gentleman responsible.

The committee divided on the question, that the blank be filled with "threepence halfpenny."—Ayes 112; Noes 258:—Majority 146.

List of the AYES.

Aldam, W.
Bannerman, A.
Barclay, D.
Bernal, R.
Bernal, Capt.
Blake, M. J.
Blake, Sir V.
Blewitt, R. J.
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Bulkeley, Sir R. B. W.
Buller, C.
Busfield, W.
Byng, rt. hon. G. S.
Chapman, B.
Christie, W. D.
Cobden, R.
Colbrooke, Sir T. E.
Collins, W.
Crawford, W. S.
Dalmeny, Lord
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Ebrington, Visct.
Ellice, rt. hn. E.
Ellis, W.
Evans, W.
Ferguson, Col.
Forster, M.
Gibson, T. M.
Gill, T.
Gordon, Lord F.
Granger, T. C.
Guest, Sir J.
Hall, Sir B.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Heathcote, J.
Heneage, E.
Hill, Lord M.
Howick, Visct.
Hume, J.
Humphery, Mr. Ald.
Hutt, W.
James, W.
Jervis, J.
Johnston, A.
Langston, J. H.
Marjoribanks, S.
Marshall, W.
Martin, J.
Milnes, R. M.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Morrison, J.
Mostyn, hn. E. M. L.
Muntz, G. F.
Murphy, F. S.
Napier, Sir C.
O'Brien, J.
O'Brien, W. S.
O'Connell, J.
Paget, Lord A.
Palmer, R.
Pechell, Capt.
Phillips, G. R.
Philips, M.
Plumridge, Capt.
Ponsonby, hon. J. G.
Power, J.

Pulsford, R.
Redington, T. N.
Rice, E. R.
Rumbold, C. E.
Rundle, J.
Scholefield, J.
Scrope, G. P.
Smith, B.
Smith, rt. hn. R. V.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Tollemache, hn. F. J.
Towneley, J.
Trollope, Sir J.
Tufnell, H.
Turner, E.
Villiers, hon. C.
Vivian, J. E.
Vivian, hon. Capt.
Wakley, T.
Walker, R.
Wallace, R.
Ward, H. G.
Watson, W. H.
Wawn, J. T.
Williams, W.
Wilshere, W.
Wood, B.
Wood, G. W.
Yorke, H. R.

TELLERS.

Leader, J. T.
Roebuck, J. A.

List of the NOES.

A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, Capt.
Arkwright, G.
Ashley, Lord
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Baird, W.
Balfour, J. M.
Bankes, G.
Baring, hon. W. B.
Barnard, E. G.
Barneby, J.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Beresford, Capt.
Beresford, Major
Bernard, Visct.
Blackburne, J.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Bruce, Lord E.
Bruen, Col.
Buckley, E.
Buller, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Campbell, Sir H.
Campbell, A.
Cardwell, E.
Carnegie, hon. Capt.
Cavendish, hon. G. H.
Chapman, A.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christmas, W.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Cochrane, A.
Cockburn, rt.hn.Sir G.
Codrington, C. W.
Collett, W. R.
Colvile, C. R.
Conolly, Col.
Coote, Sir C. H.
Corry, rt. hn. H.
Courtenay, Lord
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Denison, J. E.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marquess of
Drummond, H. H.
Dugdale, W. S.
Duncombe, hon. A.
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Feilden, W.
Ferrand, W. B.
Fitzroy, Capt.
Follett, Sir W. W.
Forbes, W.
Forester, hon. G.C.W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenal, P.
Gregory, W. H.
Grimston, Visct.
Grogan, E.
Halford, H.
Hamilton, C. J. B.
Hamilton, J.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt.hn.Sir H.
Hardy, J.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hillsborough, Earl of
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'Ct
Hope, hon. C.
Howard, hn. C. W. G.
Howard, P. H.
Inglis, Sir R. H.
Irton, S.
Jackson, J. D.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, Sir J.
Johnstone, H.
Jones, Capt.
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Knatchbull, right.hon. Sir E.
Knight, H. G.
Knight, F. W.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Lawson, A.
Legh, G. C.
Leicester, Earl of
Lemon, Sir C.
Liddell, hon. H. T.
Long, W.
Lopes, Sir R.
Lowther, J. H.
Lygon, hon. G.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
M'Geachy, F. A.
Maher, V.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martyn, C. W.
Marton, G.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Murray, C. R. S.
Murray, A.
Neeld, J.
Neeld, J.
Neville, R.
Newport, Visct.
Newry, Visct.
Nicholl, rt. hn. J.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, A. S.
Packe, C. W.
Paget, Lord W.
Palmer, R.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Planta, rt. hn. J.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Richards, R.
Rolleston, Col.
Rose, rt. hn. Sir G.
Round, J.
Rushbrooke, Col.
Russell, Lord J.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Shaw, rt. hn. F.
Sheppard, T.

Shirley, E. J.
Sibthorp, Col.
Smith, A.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stanley, E.
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Vivian, hon. Major
Waddington, H. S.
Wall, C. B.
Walsh, Sir J. B.
Welby, G. E.
Wemyss, Capt.
Wodehouse, E.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Baring, H. B.
Fremantle, Sir T. F.

Mr. *S. Crawford* said, that having already stated the reasons for the amendment which he had to propose, he should not again trouble the House with a recapitulation of the arguments, but content himself with moving that the words,

> "Or from any profession, trade, employment, or vocation, whether the same shall be respectively carried on in Great Britain or elsewhere,"

be omitted in Schedule D.

The committee divided on the question that the paragraph

> "And upon the annual profits or gains arising or accruing to any person residing in Great Britain from any profession, trade, employment or vocation, whether the same shall be respectively carried on in Great Britain or elsewhere, there shall be charged yearly for every twenty shillings of the amount of such profits or gains the sum of sevenpence,"

stand part of schedule D.—Ayes 259; Noes 50: Majority 209.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, Capt.
Arkwright, G.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Baillie, H. J.
Baird, W.
Baldwin, B.
Bankes, G.
Baring, hon. W. B.
Barneby, J.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Beresford, Capt.
Bernard, Visct.
Blackburne J. I.
Blake, M. J.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Bruce, Lord E.
Bruen, Col.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Campbell, Sir H.
Campbell, A.
Cardwell, E.
Carnegie, hon. Capt.
Cavendish, hon. G. H.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Codrington, C. W.
Collett, W. R.
Colvile, C. R.
Conolly, Col.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Curteis, H. B.
Dalrymple, Capt.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
D'Israeli, B.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.
Dugdale, W. S.
Duke, Sir J.
Duncombe, hon. A.
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Ebrington, Visct.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Fellowes, E.
Ferguson, Sir R. A.
Feilden, W.
Ferrand, W. B.
Fitzroy, Capt.
Fleming, J. W.
Follett, Sir W. W.
Forbes, W.
Forester, hon. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gibson, T. M.
Gladstone, rt. hn. W. E.
Gordon, hn. Capt.
Gore, M.
Gore, W. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenall, P.
Gregory, W. H.
Grimston, Visct.
Grogan, E.
Halford, H.
Hamilton, C. J. B.
Hamilton, J.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hatton, Capt. V.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, R.
Hogg, J. W.
Houldsworth, T.
Holmes, hon. W. A'Ct.
Hope, hon. C.
Howard, hon. C. W. G.
Howard, P. H.
Inglis, Sir R. H.
Irton, S.
Jackson, J. D.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, Sir J.
Johnstone, H.
Jones, Capt.
Kelburne, Visct.
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Lascelles, hon. W. S.
Lawson, A.
Lefroy, A.
Legh, G. C.
Leicester, Earl of
Lincoln, Earl of,
Lopes, Sir R.
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
M'Geachy, F. A.
Maher, V.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Master, T. W. C.
Masterman, J
Meynell, Capt.

Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Muntz, G. F.
Murray, C. R. S.
Murray, A.
Neeld, J.
Neeld, J.
Neville, R.
Newport, Visct.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, A. S.
Packe, C. W.
Paget, Lord W.
Paget, Lord A.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Ponsonby, hon. J. G.
Praed, W. T.
Pringle, A.
Pulsford, R.
Pusey, P.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Richards, R.
Rolleston, Col.
Rose rt. hon. Sir G.
Round, J.
Rushbrooke, Col.
Ryder, hon. G. D.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Smollett, A.
Somerset, Lord G.
Stanley, Lord
Stanley, E.
Stewart, J.
Stuart, Lord J.
Stuart, H.
Sutton, hon. H M.
Tennent, J. E.
Thesiger, F.
Tollemache, hon. F. J.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vivian, hon. Major
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J. B.
Welby, G. E.
Wemyss, Capt.
Wodehouse, E.
Wood, Col. T.
Worsley, Lord
Wortley, hn. J. S.
Wyndham, Col. C.
Yorke, hon. E.T.
Yorke, H. R.
Young, J.
Young, Sir W.

TELLERS.

Baring, H.
Fremantle, Sir T.

List of the NOES.

Blewitt, R. J.
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Busfeild, W.
Christie, W. D.
Cobden, R.
Collins, W.
Duncan, G.
Ellis, W.
Evans, W.
Fielden, J.
Forster, M.
Gill, T.
Granger, T. C.
Hall, Sir B.
Heathcoat, J.
Hill, Lord M.
Hume, J.
Hutt, W.
Johnston, A.
Langston, J. H.
Leader, J. T.
Martin, J.
Mitcalfe, H.
Morris, D.
Mostyn, hon. E. M. L.
Murphy, F. S.
Napier, Sir C.
O'Brien, J.
Pechell, Capt.
Plumridge, Capt.
Power, J.
Redington, T. N.
Rundle, J.
Scholefield, J.
Seale, Sir J. H.
Somerville, Sir W. M.
Stansfield, W. R. C.
Tancred, H. W.
Thornely, T.
Turner, E.
Villiers, hon. C.
Wakley, T.
Walker, R.
Watson, W. H.
Wawn, J. T.
Williams, W.
Wood, B.

TELLERS.

Crawford, W. S.
Wallace, R.

Schedule D agreed to.

Schedule E

> "Upon every public office or employment of profit, and upon every annuity, pension, or stipend payable by her Majesty, or out of the public revenue of the United Kingdom, except annuities before charged to the duties in schedule C, for every twenty shillings of the annual amount thereof respectively there shall be charged yearly the sum of ."

Sir *C. Napier* rose to move the amendment of which he had given notice: the object of which was to exempt officers in the army and navy from the payment of the property-tax. He did not wish to extend the exemption to officers holding high rank in either service; but it was impossible that men receiving 165*l*., 180*l*. to 250*l*. or 260*l*. a-year should, after paying insurance, be in a condition to pay this tax. Besides this, it was hard to call on men who had served their country so long to make such a contribution. The gallant Officer concluded by moving to insert the words

> "And except the pay-officers under the rank of general and flag officers, whose incomes are derived solely from their services, and not receiving pensions either for wounds or good service, and are not paid as Queen's aides-de-camp which shall be exempted."

Captain *Carnegie* differed in opinion from the hon. and gallant Commodore, inasmuch as he thought it would be but cold-blooded reasoning and pocket policy to have an imposition of this nature levied upon the country generally, and to exempt the officers of the navy from contributing their fair proportion. It should be recollected that the proceeds of this tax was to support the maintenance of the army and navy; and when all other classes of her Majesty's subjects were to be taxed, were the navy alone to be deprived of lending their exertions to the general good? As far as he knew the feelings among the officers of the navy, he would say, that they would be inclined more to consider the proposition of the hon. and gallant Commodore in the light of an insult than otherwise; and he could not help thinking that the hon. and gallant Commodore was consulting more the wishes of his constituents in Marylebone, than the respectability and independence of the officers of the navy.

Lord *Worsley* thought, that the amendment deserved to be successful. It was surprising to see how many officers in the army and navy managed, upon their extremely limited incomes, to bring up their families ss in many cases they did; and the difficulty of the task would be much increased were they called on to pay additional taxation in the manner proposed. He thought that the hon. and gallant Commodore deserved the thanks of both branches of the service for the motion which he had brought forward.

Captain *Pechell* remarked, that the hon. and gallant Gentleman opposite (Captain Carnegie) had talked of the navy and army being in favour of the proposed Income-tax. Although he admitted that this was partly the case, yet there was a large body of either service who, while they deeply sympathised with the distresses of the country, yet were in a situation which entitled them to ask for relief from the House from the burden proposed to be laid upon them. It appeared, however, that it sometimes happened, that when naval officers got into the House, they seemed to throw overboard all regard for their brother officers, and implicitly followed the leader of their party. He was astonished when he heard the gallant and hon. Gentleman come forward to say, that naval officers would be ashamed to exclaim against the tax. Before that tax should be imposed, it ought first to be proved, that there were no other means of supplying the deficiency of the Exchequer than by putting the hands of Government into the pockets of all classes, by an inquisitorial and abominable impost; but if the necessity for that tax should be demonstrated, then neither the army nor the navy would oppose its imposition.

Captain *Plumridge* was old enough to recollect the time when the army and navy were able to pay 10 per cent. on their income to carry on a war, but he was equally convinced that they would find it much more difficult to pay 3 per cent. now in a time of peace.

Sir *R. Peel*: Sir, no person can have a higher respect for the army and navy than I have, nor can any one entertain a deeper sense of gratitude for the services which they have performed towards this country, nor have a stronger confidence that when called upon, upon future occasions they will emulate the fame which they have already gained on all past occasions. No one can more deeply regret the necessity of the imposition of this tax; but, inasmuch as there is to be a tax of this description to be generally imposed upon all incomes above 150*l.* a-year, I do not think it would be just to take a particular class and exempt them from the operation of it. I must say, that the gallant Officer behind me (Captain Carnegie) has given the proposition a support worthy of his profession —and I cannot help thinking that the officers of the army and navy would not wish to be exempted from the operation of a tax which all other classes must suffer under. I think, then, that my gallant Friend has correctly stated the feelings of the officers of his service upon this subject. The question is not now what the hon. and gallant Officer the Member for Brighton has stated, as to whether or not a sufficient emergency has arisen, to warrant the imposition of this tax. The House being in committee now upon the subject, we must assume that that emergency has arisen, and that the imposition must be applied. Assuming that to be the fact, I do not think a particular class ought to be exempted from the operation of the Income-tax.

Sir *C. Napier* said, he did not think that the arguments used by the hon. and gallant Officer opposite (Capt. Carnegie) were of much importance. He had communicated upon this subject with a great many naval officers who were in poverty and want, and upon whom such a tax as this would be a most severe oppression. All he could say now was, in answer to the hon. and gallant Captain opposite, he wished that that gallant Officer was a married man with a wife and a family of six children, and with only 155*l.* a-year salary, and he was certain that his opinions would be very different as to this tax than what he had just stated. The hon. and gallant Captain (Capt. Carnegie) had stated that he was only quoting the opinions of his constituents in Marylebone. He did not know exactly how many gallant Officers were living in the parish of Marylebone, but he could safely say, that very few of them voted for him. Those gallant Officers who were living in Marylebone were notoriously known to be Tories.

Lord *Ingestre* said, he believed that if the officers of the navy were polled upon this question, the great majority would be found to be placed in opposition to the hon. and gallant Commodore's proposition. This was a distinction which would not be acquiesced in by the navy generally, and for that reason he should oppose the amendment of the hon. and gallant Commodore.

The committee divided on the question, that the words be added:—Ayes 32; Noes 205:—Majority 173.

List of the Ayes.

Bernal, Capt.
Blewitt, R. J.
Bryan, G.
Bulkeley, Sir R. B. W.
Cavendish, hn. C. C.
Christie, W. D.
Cowper, hon. W. F.
Duncombe, T.
Dundas, Admiral
Dundas, F.
Granger, T. C.
Hall, Sir B.
Hollond, R.
Martin, J.
Morris, D.
Murphy, F. S.
Murray, A.
Pechell, Capt.
Pulsford, R.
Redington, T. N.
Rundle, J.
Scholefield, J.
Seale, Sir J. H.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stuart, Lord J.
Turner, E.
Wakley, T.
Wallace, R.
Watson, W. H.
Wood, B.
Worsley, Lord

TELLERS.

Napier, Sir C.
Plumridge, Capt.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
Acton, Col.
Adderley, C. B.
Aldam, W.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Attwood, M.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Baird, W.
Baldwin, B.
Bankes, G.
Baring, hon. W. B.
Barneby, J.
Baskerville, T. B. M.
Beckett, W.
Bentinck, Lord G.
Beresford, Capt.
Bernard, Visct.
Blackburne, J. I.
Blake, M. J.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowring, Dr.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Brotherton, J.
Bruce, Lord E.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Campbell, Sir H.
Cardwell, E.
Carnegie, hn. Capt.
Chelsea, Visct.
Chetwode, Sir J.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Colvile, C. R.
Conolly, Col.
Corry, rt. hn. H.
Courtenay, Lord
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Darby G.
Dawnay, hn. W. H.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.
Duncombe, hon. A.
East, J. B.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Evans, W.
Fellowes, E.
Fielden, W.
Ferrand, W. B.
Fitzroy, Capt.
Fleming, J. W.
Follett, Sir W. W.
Forbes, W.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gibson, T. M.
Gill, T.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenall, P.
Grimston, Visct.
Grogan, E.
Hamilton, J.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, R.
Houldsworth, T.
Howard, hn. E. G. G.
Howard, P. H.
Hume, J.
Hutt, W.
Ingestrie, Visct.
Irton, S.
Jackson, J. D.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, Sir J.
Johnstone, H.
Jones, Capt.
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Knatchbull, right hon. Sir E.
Lefroy, A.
Leicester, Earl of
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.
Mackenzie, T.
Mackenzie, W. F.
MacGeachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Masterman, J.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Muntz, G. F.
Murray, C. R. S.
Neeld, J.
Neeld, J.
Newport, Visct.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
O'Brien, A. S.
Packe, C. W.
Paget, Lord W.
Patten, J. W.
Peel, rt. hn. Sir R.
Philips, M.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Rashleigh, W.
Reade, W. M.
Richards, R.
Rolleston, Col.
Rose, rt. hn. Sir G
Round, J.
Rushbrooke, Col.
Sanderson, R.
Sandon, Visct.
Scarlett, hn. R. C.
Scott, hon. F.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Smollett, A.
Somerset, Lord G.
Stanley, Lord
Stanley, E.
Stewart, J.
Stuart, J.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Tollemache, hn. F. J.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Tyrell, Sir J. T.

Vere, Sir C. B.
Vivian, J. E.
Waddington, H. S.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, hn. E. T.
Yorke, H. R.
Young, J.

TELLERS.

Baring, H.
Fremantle, Sir T.

Schedule agreed to.

House resumed.—Committee to sit again.

GREAT MARLOW ELECTION — MR. GIBBONS,] On the motion of Sir J. Y. Buller,

Richard Gibbons was called to the Bar of the House, to be reprimanded by the Speaker and discharged.

The *Speaker*, addressing the prisoner, said,—

"Richard Gibbons, the Select Committee appointed to try and determine the merits of the Great Marlow Election Petition, have reported that you gave false evidence before them. This is a very serious and grave offence. It appears that you were not suddenly or accidentally betrayed into this deviation from the truth, but that you deliberately, and whilst upon your oath, gave evidence before the committee, which on a subsequent occasion you contradicted in the most positive terms.

"It is very painful to see a person who has hitherto maintained a respectable character, and who has enjoyed the confidence of a considerable body of his fellow townsmen, placed in that disgraceful position which you now occupy.

"To a mind any way alive to a sense of honour, that disgrace must be in itself the severest punishment. The House, therefore, considering the imprisonment which you have suffered, considering, also, the deep regret which you have expressed in your Petition for your misconduct, and willing to hope that justice in your case has at least been satisfied, and that if it now release you from further confinement, its lenity will not be misconstrued, but that others will be taught by your example, that it is prepared to visit offences of this description with the utmost severity, and that it is determined at all times and under all circumstances to vindicate those privileges which you have so shamelessly violated. I am now to acquaint you that you are discharged, upon payment of your fees."

The prisoner bowed and retired.

Sir *R. Peel*: Mr. Speaker, I move the words you have just spoken be entered upon the Journals of the House.

Mr. *T. Duncombe* had not the slightest objection that the words uttered by the Speaker should be entered on the Journals of the House; but of all the severe reprimands he had ever heard delivered to any individual at the bar of the House, he must say that this was the most severe. He felt to a certain extent that he was not compelled to resist the motion of the right hon. Baronet. But it was necessary in vindication of a petition which he submitted to the House about a fortnight ago, when he stated that he believed, as he still did believe, that the individual who had just left the bar of the House, instead of having most shamelessly stated that which was untrue, was not guilty of that offence which was attributed to him. Yes, he believed—and he was not alone, there were others with him—that Mr. Gibbons had not wilfully perjured himself before the committee. Had he done so, the punishment he had undergone would not be sufficient. If the individual had given false evidence before a committee of that House, it was not the duty of the House, after three week's imprisonment, to imprison him further, but to instruct the law officers of the Crown to indict him for perjury. He had not had the chance which had been given to other persons. What had happened with regard to Wren. He was called before the House because he refused to give evidence before the Southampton election committee. He was asked—

"Do you intend to persist in refusing to give the evidence required of you by the committee?" (His answer was)—"Yes, I do, because I believe it would criminate myself; but if it is the desire of the House, I will bow to its decision, and give the evidence."

What happened on the following day? Another individual, a Member of that House, Mr. Fleming, was called upon by the Speaker, and informed that a report had been received from the committee that he had refused to give evidence required from him. But he did not tell either the committee or that House that he would criminate himself by giving the evidence. When asked by the Speaker why he refused to answer the question which had been put to him, he stood up in his place, and said he could not, as a man of honour and a Gentleman, give the answer. Had the same chance been given to the last witness? Did they mean to act as judges, witnesses, prosecutors, and jury. He had heard hon. Gentlemen talking about the liberty of the subject the other night. Would they stand up for a man who had made away with documents which he ought to have produced, and pronounce this person guilty of perjury?

That had been very properly called the liberty of corruption. There were hon. Gentlemen in that House who well knew the character of Mr. Gibbons, and who, as well as he, believed him to be as incapable of giving false testimony as any Gentleman in that House. Let any one look at the printed evidence, and point out, if he could, where the witness could be convicted of perjury. The printed evidence only made confusion worse confounded. The public would read it and judge of it; and though they might discover, that the witness contradicted himself, they would not find anything to prove that he had committed perjury. Mr. Gibbons had gone from the bar of the House with a reprimand, but he was not proved to be guilty; he was confounded by counsel, that was all, and had no motive whatever for misleading the committee. But he had been sent to Newgate without having the opportunity to say one word of extenuation, or even explanation. Had he been tried by a jury, however, he would have been most honourably acquitted of the charge of perjury. He believed that in the estimation of all who knew him, including Members of that House, and persons connected with Members of that House, Mr. Gibbons would leave that bar without a stain upon his character.

Sir *R. Peel*: Sir, I have heard with great regret the observations which have been made by the hon. Gentleman upon the occasion of a reprimand delivered by the Speaker of this House. Of the particulars of the case I know nothing, and can say nothing; but in conformity with the usual practice of the House upon similar occasions, I have moved that the reprimand just delivered by the Speaker be entered on the journals of the House; and Sir, permit me to say that you could not have discharged your duty without delivering that reprimand. I find this entry upon the journals of the House:—

"Great Marlow Election,—Sir John Yarde Buller reported from the select committee appointed to try and determine the matter of the petition of A. Higginson and others, complaining of an undue election and return for the borough of Great Marlow, that they had directed him to report the following resolutions:—

"1. That in the opinion of this committee, Richard Gibbons has been guilty of wilfully giving false evidence in his examination before them.

"2. That the chairman do, by warrant under his hand, commit the said Richard Gibbons to the custody af the Serjeant-at-Arms to await the pleasure of the House."

Ordered,

"That the said Richard Gibbons, be for his said offence committed to her Majesty's gaol of Newgate, till this House make further order in his case; and that Mr. Speaker do issue his warrant accordingly."

That was the order made by the House of Commons, and that was the report of the select committee. Then a motion was made to-day to this effect:—

Ordered,

"That Richard Gibbons, now a prisoner in her Majesty's gaol of Newgate, under an order of the House, be forthwith brought to the Bar of this House, and that the Speaker do issue his warrant accordingly."

Ordered,

(And this again was an act of the House of Commons.)

"That the said Richard Gibbons be reprimanded by the Speaker and discharged."

The Speaker, therefore, of the House of Commons, acted merely ministerially, in pursuance of the order of the House of Commons. If he had acted otherwise he would have neglected his duty; and I must think that he discharged that duty in the most fit and becoming manner, and that the journals of this House will sustain the high character he has acquired in the execution of his public duty. I do not complain of the hon. Gentleman for dissenting from the resolution of the committee of which he was a member; but what I regret is that he should have made any remarks upon a reprimand delivered by the chief Officer of this House; when the neglect to deliver the reprimand would have been a violation of the duty he is bound to discharge.

Mr. *Jervis* said, he merely rose to deprecate discussions of this kind. If it were true, and he thought that would appear from the evidence, that the individual gave false evidence in his (Mr. Jervis's) opinion no censure could be too severe. He did think this was a very ill-judged objection.

Sir *J. Y. Buller* said, that he thought it would appear from the evidence that the committee had not acted rashly in this case.

Mr. *T. Duncombe* said, if he had uttered a single word which could give the slightest pain to the Speaker, he was extremely sorry for it. The party whose conduct he intended to impugn, was the

House itself, in reference to this subject. He contended that the individual who had just left the Bar had not been fairly treated. ["Question."]

The *Speaker* stated, that the hon. Gentleman must confine himself strictly to an explanation.

Mr. *Duncombe* had said, that he did not intend to impugn the conduct of the Speaker who had acted in obedience to the order of the House, and could not do otherwise. It was the conduct of the House that he wished to blame; and when the House ordered this reprimand to be entered on the journals of the House, then was the time to make his observations. He had not had the opportunity. Now could anything be more unjust than this? He would sit down and leave the country to judge of the question.

Reprimand to be inserted in the journals.

ADJOURNMENT—SOUTHAMPTON ELECTION.] Sir R. Peel moved that the House at its rising do adjourn to Monday.

Mr. *Thesiger* said, he must move as an amendment the House do adjourn till twelve o'clock the next day. On the discussion of the resolution committing one of the witnesses before the Southampton Committee (Mr. Mabson) to custody, he had ventured to express a very strong opinion of the illegality of the warrant of committal for the alleged contempt. Certainly at that time he did not maturely consider that warrant, so as to render the opinion he expressed of very great weight. He was reproved by the hon. Member for Sheffield, whom he did not now see in his place, for having converted a doubt expressed by his hon. and learned Friend (the Solicitor-general) into an assertion. But he had since carefully considered the subject of the warrant, and he had been more confirmed in the strong opinion he expressed last night. The forms of the House did not permit him to move the immediate discharge of that individual from custody, but if the House consented to the adjournment, this person, whom he believed to be illegally and unjustly confined, must remain in custody the whole of to-morrow, the whole of Sunday, and the greater part of Monday. He was quite sure it was not the desire of the House to permit so gross an injustice. If he could satisfy them that the warrant was bad, and no contempt committed, they would feel the most earnest wish to repair the injustice committed. He hoped, under these circumstances, that the House at its rising would adjourn to twelve o'clock the next day, in order that they might have an opportunity of considering this most important question—a question in which the liberty of the subject was involved.

Mr. *Mackenzie* seconded the motion. He had been informed by high authority that the warrant was invalid, and was sure the House would be anxious to repair the injustice that had been done.

The *Speaker* said, that it was unnecessary for the hon. Member for Woodstock to move an amendment. It would be quite sufficient to meet with a negative the motion that the House adjourn to Monday next.

Mr. *Darby* supported the motion that the House should meet to-morrow. If the House was of opinion that the warrant was not legal, and that this individual was unjustly committed, they ought to take the earliest opportunity to release him.

The *Attorney-General* said, that he quite concurred that the House ought to exercise extreme caution in committing a man, and that they ought to be ready to release him as soon as they had satisfactory reasons for doing so. With respect to the validity of the warrant, he had devoted considerable time to the consideration of the subject, and it certainly was his opinion that the warrant was exhausted at the end of the last Session. At the same time he trusted his hon. Friend would not persevere in this motion. If the House was called on to meet to-morrow many hon. Members would be taken by surprise; and as it was a subject of much importance, and one on which there might be some difference of opinion, it was desirable that the House should have the fullest opportunity to consider it. He therefore hoped that no further opposition would be offered to the adjournment of the House to Monday.

Mr. *Thesiger* deeply regretted to hear his hon. and learned Friend. He was only anxious to state his reasons for not acceding to the request of his hon. and learned Friend the Attorney-general, who asked for delay and deliberation; he would only say, that there was neither delay nor deliberation in imprisoning the man. He could not accede to the request.

Mr. *G. Bankes* was very happy to hear that intimation. The case was one which required the most deliberate consideration; but, as the man was restrained of his liberty, that consideration ought to be given to it at the earliest possible moment. If the forms of the House allowed it, they ought not to separate without coming to a decision.

Mr. *Ferrand* would ask, could there be a particle of justice in continuing the imprisonment of a man who was pronounced guilty of no offence by the first law officer of the Crown one moment longer than could be helped? Were they to keep him in confinement merely to gratify the offended dignity, or, if he might be allowed to say it, the vindictive feelings of a majority of the committee?

Dr. *Bowring* appealed to the Speaker whether the hon. Member was using proper language.

Mr. *Ferrand* would at once withdraw the expression, if he was out of order in using it; but should the man be kept in custody upon no legal warrant? He appealed to hon. Members to attend in their places to-morrow, in order to remove the stigma which attached to them for committing a man for nothing.

Mr. *Jervis* said, the hon. Member had travelled far out of the question before the House, which was whether there was any just ground for negativing the motion for adjourning till Monday. He thought not. There were many lawyers who were of opinion that the warrant was perfectly legal, but it was a matter that required more consideration than they could give to it by to-morrow. He would support the original motion.

Sir *R. Peel* said, if the consideration of this subject was postponed till Monday, it would probably occupy a great portion of that time which might otherwise be appropriated to the consideration of the Income-tax Bill; but he wished he could foresee any satisfactory result from the House meeting to-morrow. He thought they ought to put out of consideration altogether the conduct of the witness. He would not impute to the witness wilful misconduct; there certainly was ground for doubts as to his proceedings, but his conduct might be satisfactorily explained hereafter. The warrant of Mr. Speaker might be illegal, but the consequences which might arise from declaring its illegality would be most important. It was now past one o'clock; if the House adjourned till to-morrow, the meeting would take place at twelve, and he thought there was no probability that the House would arrive at a decision on this question to-morrow. As far as his interests were concerned, it would be decidedly advantageous to him that the House should determine this question to-morrow; but he begged to suggest to his hon. and learned Friend, that the preferable course would be, to give notice of his intention to move on Monday for the discharge of the witness, on the ground of the illegality of the warrant. The meeting of the House to-morrow would interfere with the sitting of election committees, and would subject the parties concerned to considerable inconvenience and expense. He considered it was most desirable to postpone the further consideration of the question till Monday.

Sir *C. Napier* said, as Mr. Attorney-General had given his opinion that the warrant of Mr. Speaker was illegal, he thought the witness should have the benefit of that opinion. He thought the witness ought to be discharged from the custody of the Serjeant-at-Arms; and he, therefore, moved that William Rouse Mabson be called to the Bar, and discharged forthwith.

The *Speaker* then put the question, when

Mr. *Brotherton* thought the presumption of the House ought to be in favour of the validity of the warrant. He would support the motion for an adjournment till Monday.

Mr. *T. Duncombe* said, this was a most extraordinary case. An individual had been detained in custody for three days, and the House was yet uncertain whether his imprisonment was legal or illegal. The hon. Member for Woodstock (Mr. Thesiger), and the Attorney-general had expressed their opinions as to the illegality of the warrant, and he asked on what principle the House could, after these opinions, detain the witness in custody? The question was, whether or not the House was exceeding its power in detaining this individual. In his opinion the witness was unjustly detained, and if the motion of his hon. and gallant Friend were brought to a division, he should certainly vote for it. He saw no end to the inconvenience which must ensue from these proceedings if these warrants all turned out to be illegal. It was not the fault of that House, but of the legal Gentlemen who had drawn out these warrants: but, wherever the fault was, it ought not to fall on the witness who was in custody.

Mr. *Thesiger* felt obliged to the hon. and gallant Member for having brought this question before the House so distinctly, and, as he felt the strongest conviction that this warrant was utterly invalid, for bringing this question before the House, in order that the prisoner might be discharged. Of course, therefore, he should not for a moment hesitate to vote for the motion of the hon. and gallant Member. It had been suggested, that the consequence of this decision would be to affect every other warrant, and every other proceeding similarly circumstanced. He apprehended, that that could be no ground whatever for their refusing to decide on the invalidity of a warrant brought distinctly before their notice, and he thought the sooner the attention of the House was called to the invalidity of these proceedings the more advantageous it would be for regulating the future proceedings of the House. He wished the House to understand the position in which it was placed by these discussions, forced on it by the decisions of the Southampton committee. He apprehended, that under the 74th section of the act of Parliament, they were imperatively called on to investigate all matters brought before them by a committee for their investigation. That section required that a committee should report to that House where any witness had misbehaved himself by refusing to give evidence, and ask for its interposition and sanction. It appeared to him that the Southampton committee had not pursued the regular course. A great deal had been said about their submitting their judgments entirely to the resolution of the committee; that all they had to do when a report was made to them by a committee of the misbehaviour of a witness was merely to carry out its views with their authority without further inquiry. He confessed that he was not disposed for one to accede to that course. When he was called on to exercise a judicial duty, he should like first of all to investigate, and to ascertain the grounds on which they were to interpose their authority, which meant imprisonment. He apprehended that it was incumbent on the committee to report to the House the evidence on which it had been called upon to decide, in order that the House might be able to decide in forming its own judgment. He confessed, that it did astonish him that they should so frequently have been called upon by the Southampton committee to interpose their authority. In the whole of the courts of law sitting throughout the day throughout the length and breadth of the land, where witnesses were examined hour after hour, it was the most rare thing in the world to hear of any witness being committed for any contempt or prevarication. What was the reason of this marked and striking difference? How was it that the Southampton committee should only have been sitting six days, and that the House should have been called upon to interfere its authority no less than three times upon the subject of the conduct of witnesses? Surely there must be some inherent defect to give rise to so striking a difference between the proceedings of this committee and the courts of law, although he was perfectly aware that there might be a distinction, arising from the peculiar character of their proceedings, as contra-distinguished from the courts of law. He submitted, that no contempt whatever had been committed by the witness. It was laid down by the highest authorities, and it would be found in Hatsell's and the journals of that House, that a prorogation put an end to every proceeding in the House of Commons and in the House of Lords, except writs of error and impeachments; that the Parliamentary power of the Session had exhausted itself and was spent; and that the warrants of that Session had no more force or validity. A point had been made that having appeared in answer to the warrant the witness had waived its invalidity, and that he was therefore guilty of contempt in not producing the papers required. But he had been served with notice on being found accidentally in town, and all that could be expected of him was to answer the questions put to him, and not to produce the documents. It had been held, that if a party were from home, and received such a notice, he was not held liable to produce documents without notice of them. He had come to the strongest conclusion that the warrant was utterly invalid—that the witness was not bound to obey it, and therefore was not guilty of contempt for not producing the documents specified in the warrant; feeling this, he could not but think the House would be guilty of the grossest injustice and the greatest illegality—would destroy its credit with the country, if it were to refuse for one moment to discharge this man from a custody which ought never to have been imposed, and to repair that injustice which had been unwittingly committed, but, being committed, had fallen so heavily upon this man.

Sir *W. Somerville* thought, the hon. and learned Member for Woodstock had taken an advantage of the House by bringing forward a motion of so alarming a nature in the absence of the many legal Gentlemen who usually sat on his side of the House, and whose opinions were of some authority. He regretted, too, that the hon. and learned Gentleman should have thought it right to cast reflections upon the Southampton committee, to the Chairman of which body he ought, at least, to have the courtesy of giving notice of his intention to bring this motion forward. He had heard also, with deep regret, the remarks of the hon. Member for Knaresborough, in which he designated the conduct of the committee as having been vindictive. Such remarks, especially in the absence of all the Gentlemen upon whom the House had imposed a most painful duty, were highly unbecoming. He should vote against the motion of the hon. and gallant Commodore for the release of this individual at once, without hearing both sides. Such a course would lead to confusion, and of the result no one could see the termination. But so highly did he value the liberty of the subject, that he confessed, if it should be proposed to adjourn to twelve o'clock this day, he should, under the special circumstances of the case, be bound to vote for it.

Mr. *R. C. Scarlett* was convinced that no danger would arise from voting in favour of the motion of the hon. and gallant Member for Marylebone, as a mere discharge of the prisoner would not involve the question of the legality or otherwise of the warrant.

Lord *Worsley* hoped the House would neither agree to the motion of the hon. and gallant Commodore nor to the proposition to sit again this day. So unusual was the circumstance of the House sitting on Saturdays that he did not doubt many hon. Members had made arrangements to leave town: a thin House would be the consequence, and under such circumstances no satisfactory conclusion could be come to. He fully concurred in all that had been said on the subject by the right hon. Baronet the Member for Tamworth.

Sir *R. Peel* said, the present question was new and entirely different from that which had just now been discussed. He should give his decided opposition to the proposition of the hon. and gallant Member for Marylebone, which was quite without a parallel. The motion was to discharge him on account of the doubt as to the legality of the warrant, and yet this was to be done without giving an opportunity to those hon. Members who usually took part in great constitutional questions to express their opinion upon it, and the House was now called upon without further notice, to reverse the decision to which it had come to last night. In his experience in Parliament he had never known anything like such a proposition. To reverse without notice a decision carried by a majority of four or five to one last night, would be to establish a most dangerous precedent, by which all parties would be sufferers. The House was full at an early period of the evening, and at 5 o'clock it ought to have been notified that a motion for the discharge of the party now in confinement would be brought forward; but on the contrary, another notice was given, that it would be moved that the House should adjourn to 12 o'clock to-day, and yet the hon. and gallant Member without any notice at all, moved, at 1 o'clock at night, that the party be discharged. Nothing could be more irregular.

Sir *T. Acland* expressed his entire concurrence in the observations of the right hon. Baronet at the head of the Government.

Mr. *Jervis* would not debate the legality of the warrant, because they had not the warrant before them, but would appeal to the hon. and learned Member for Woodstock and ask if he thought it fair that this motion should be brought forward as an amendment to the ordinary motion for adjourning the House? If hon. Members, knowing that the motion was to come on had come down to carry it, he would say that such conduct could not command respect out of doors.

Sir *J. Tyrell* said, that all penal statutes were to be construed literally, and there being a doubt of the legality of the warrant the prisoner ought to have the benefit of it, and therefore he should vote with the hon. and gallant Commodore.

Captain *Bernal* hoped the gallant Member would press his motion, because after the opinions which the highest legal authorities in the House had expressed, every moment they retained him in custody they were doing injustice.

Mr. *Borthwick* would vote for the earliest possible meeting of the House for the purpose of settling the question, and against the motion of the hon. and gallant Commodore.

Mr. *M. Attwood* said, he should vote with the hon. and gallant Commodore.

Mr. *Godson* as a member of the committee, declared his opinion that the witness ought never to have been committed.

Sir *C. Napier* said, if the right hon. Baronet would agree to sit to-morrow he would withdraw his motion.

Mr. *Blewitt* merely wished to say that he thought it was the duty and business of every Member of this House to form an opinion—to form an opinion for himself on every subject, without reference to the opinion of any other person. He did not see why he should be bound by the opinion of the Attorney and Solicitor-General; and they ought to have the warrant printed according to the usual practice.

The House divided on the question that the words proposed to be left out stand part of the question—Ayes 67; Noes 14: Majority 53.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Acton, Col.
Allix, J. P.
Antrobus, E.
Bankes, G.
Baring, hon. W. B.
Beckett, W.
Berkeley, hon. H. F.
Blake, M. J.
Blewitt, R. J.
Boldero, H. G.
Borthwick, P.
Bowring, Dr.
Broadley, H.
Broadwood, H.
Brotherton, J.
Buller, Sir J. Y.
Cavendish, hon. C. C.
Collett, W. R.
Colvile, C. R.
Cowper, hon. W. F.
Cripps, W.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Duncombe, hon. A.
Ebrington, Visct.
Egerton, Sir P.
Eliot, Lord
Escott, B.
Ferguson, Sir R. A.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Graham, rt. hn. Sir J.
Greene, T.
Hamilton, W. J.
Hardinge, right hon. Sir H.
Henley, J. W.
Jervis, J.
Leicester, Earl of
Lindsay, H. H.
Lowther, J. H.
Mackenzie, W. F.
M'Geachy, F. A.
Manners, Lord J.
March, Earl of
Masterman, J.
Mitcalfe, H.
Morgan, O.
Morris, D.
Mundy, E. M.
Murray, C. R. S.
Norreys, Sir D. J.
O'Brien, A. S.
Peel, right hon. Sir R.
Pollock, Sir F.
Power, J.
Rushbrooke, Col.
Somerville, Sir W. M.
Stanley, Lord
Trotter, J.
Wawn, J. T.
Wood, B.
Wood, G. W.
Worsley, Lord

TELLERS.
Fremantle, Sir T.
Sutton, hon. J.

List of the Noes.

Attwood, M.
Bailey, J. jun.
Baskerville, T. B. M.
Bernal, Capt.
Duncombe, T.
Ferrand, W. B.
Fleming, J. W.
Forbes, W.
Godson, R.
Hodgson, R.
Plumridge, Capt.
Scarlett, hon. R. C.
Scott, hon. F.
Tyrell, Sir J. T.

TELLERS.
Napier, Sir C.
Thesiger, F.

The House again divided on the question that the House will at its rising adjourn till Monday—Ayes 39: Noes 42; Majority 3.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Acton, Col.
Baring, hon. W. B.
Berkeley, hon. H. F.
Blewitt, R. J.
Boldero, H. G.
Bowring, Dr.
Brotherton, J.
Buller, Sir J. Y.
Cavendish, hon. C. C.
Colvile, C. R.
Cowper, hon. W. F.
Denison, B.
Ebrington, Visct.
Egerton, Sir P.
Eliot, Lord
Ferguson, Sir R. A.
Gaskell, J. Milnes
Greene, T.
Hardinge, right hon. Sir H.
Hodgson, R.
Jervis, J.
Lindsay, H. H.
March, Earl of
Mitcalfe, H.
Morris, D.
Murray, C. R. S.
Norreys, Sir D. J.
Peel, rt. hon. Sir R.
Pollock, Sir F.
Power, J.
Scarlett, hon. R. C.
Stanley, Lord
Wawn, J. T.
Wood, B.
Wood, G. W.
Worsley, Lord

TELLERS.
Fremantle, Sir T.
Sutton, hon. J.

List of the Noes.

Allix, J. P.
Antrobus, E.
Attwood, M.
Bailey, J. jun.
Bankes, G.
Baskerville, T. B. M.
Beckett, W.
Bernal, Capt.
Blake, M. J.
Borthwick, P.
Broadley, H.
Broadwood, H.
Collett, W. R.
Cripps, W.
Darby, G.
Dickinson, F. H.
Duncombe, T.
Duncombe, hon. A.
Escott, B.
Ferrand, W. B.
Fleming, J. W.
Forbes, W.
Forester, hn. G. C. W.
Fuller, A. E.
Godson, R.
Hamilton, W. J.
Henley, J. W.
Leicester, Earl of
Lowther, J. H.
MGeachy, F. A.
Manners, Lord J.
Masterman, J.
Morgan, O.
Mundy, E. M.
Napier, Sir C.
O'Brien, A. S.
Plumridge, Capt.
Rushbrooke, Col.
Scott, hon. F.
Somerville, Sir W. M.

	TELLERS.
Trotter, J.	Mackenzie, W.
Tyrell, Sir J. T.	Thesiger, F.

The *Speaker* wished the House to decide at what time he should take the Chair?

Mr. *Borthwick* moved that the Chair be taken at 2 o'clock.

Agreed to.

The House adjourned.

HOUSE OF COMMONS,

Saturday, April 30, 1842.

MINUTES.] PETITIONS PRESENTED. By Mr. P. Howard, from Alton (Stafford), Chepstow, Whitehaven, and Houghton, for placing Roman Catholics upon the same footing of perfect Equality in point of Civil Rights with those of other Religious Persuasions.—By Captain Bernal, from Wooburn, against the Property Tax.

SOUTHAMPTON ELECTION—MR. MABSON.] Mr. *Thesiger* wished, before proceeding to address the House on a subject of very great importance, to be permitted to say a few words in order to set himself right in the opinion of the House with respect to the course which he had pursued on the present occasion. It was attributed to him, in the progress of the debate that morning, that he had taken some advantage of the House in introducing this grave and serious question as he had done —that he had brought it forward at an hour when many Members had gone away not expecting that the discussion would come on, and that he had, in that way, taken the House by surprise. It was with considerable pain and regret he had heard such an imputation cast on him from that (the Ministerial) side of the House; because he thought that the course which he had taken was so well known to many of his hon. and right hon. Friends near him, that they would at once have acquitted him of so serious a charge—a charge that had left a very painful impression on his mind—since it proceeded on the supposition that he could be capable of dealing unfairly with the House. When he came down to the House yesterday, he had made up his mind to give notice of a motion for the discharge of Mr. Mabson from custody; but he found that the hon. Member for Knaresborough (Mr. Ferrand) had previously given notice of a similar motion. He mentioned to the hon. Member for Knaresborough his intention of making a motion on the subject, and the result was, that that hon. Member very courteously permitted him to substitute his own name for that of the hon. Member. Soon afterwards he stated to the Speaker his intention of opposing the motion of adjournment till Monday, in order that the House might meet this day, for the purpose of deciding whether the custody of this individual was legal or not. He also communicated his determination to the Chancellor of the Exchequer, to one of the Secretaries of the Treasury, and he believed, also, to the Secretary of State for the Home Department. The Chancellor of the Exchequer told him, that such a proposition would probably lead to a debate which might prevent the House proceeding with that very important measure, the Income-tax, and, therefore, the right hon. Gentleman requested him to defer proceeding until after the debate on that subject was concluded, when the adjournment until Monday would be moved. He had also, through the medium of an hon. Friend, communicated his intention to several Members on the opposite side of the House. So that he had done everything in his power to make his intention known. He was, therefore, astonished, that he did not find any Gentleman, when he was accused of having taken the House by surprise, rising in his place and vindicating the course which he had pursued. With respect to an observation that had fallen from the hon. Member for Chester (Mr. Jervis), that the notice of motion contained the word "Monday," that had happened by mistake, for he desired the clerk to strike out "Monday," which he said he would do when the motion was made. He felt it due to himself to make these few observations in his own vindication previous to going into this grave and serious question. In the discussion which had occurred on the previous night as to the continuance in custody of this individual, he confessed that he might have expressed himself with an undue degree of warmth. He felt very strongly on the subject of the validity of the warrant. He felt that the House was committing a grievous injustice towards this individual by continuing him in custody upon a warrant which appeared to be illegal, and he, therefore, had expressed himself very strongly on that point; but having then accomplished his object, which was to assemble the House as early as possible for a grave and calm consideration of that question, he might be permitted to apologise for any warmth into which he might have been betrayed, and to call upon the House, with him, to consider, with all the calmness that befitted the dignity and importance of the subject, the grave and serious question now brought before them for discussion. On the one hand, they had the long-continued practice of the House, which was, of course, entitled to their respect. On the other, they had to deal with the liberty of a fellow-subject, and they must take care that that liberty was not improperly infringed upon, and that the person complaining was not continued in custody beyond the period which was absolutely necessary to determine the fact, whether such custody was or was not improper—whether the warrant under which he was committed was or was not valid. With these remarks he would proceed to consider the question which had been submitted to the House. He apprehended that they could have nothing to do, on this occasion, with the question as to what had been the ordinary force of these warrants, except so far as to be cautious that they did not supersede or impugn any practice or any rule of that House, unless upon good and sufficient grounds; but, provided, that that practice had been illegal, although long acted upon, he was quite sure the House would feel that it was absolutely necessary, at the earliest possible period, that their attention should be called to the subject for the purpose of discontinuing the practice. Nor did he consider, on the present occasion, that it would be at all necessary to introduce into the discussion anything regarding the proceedings of the Southampton election committee, or the behaviour of the witness before that committee or before the House. Different opinions might be entertained on that subject. Some hon. Members might think, that the witness had exhibited a disposition to conceal the truth, which would make him a fit subject for punishment, while others might believe that he meant justly and fairly to state everything that he knew regarding the subject-matter before the committee. But, whatever opinion Gentlemen might entertain on the subject, the House were not, at present, required to enter into a discussion upon that point. He contended, that the conduct of the prisoner was not what they had then to consider. They were not there to exercise any discretion on the subject, or to consider whether the conduct of this individual deserved punishment or not. He wished to call the attention of the House to the validity of the warrant under which the alleged contempt arose. He wished to point out to the House the view he had taken, after the most anxious consideration, of the warrant under which this party was supposed to be compelled to attend before a committee of the House of Commons assembling in the present Session of Parliament, and which, he contended, was not a valid or even an existing warrant for that purpose. Therefore, there could not be a contempt committed by the witness in refusing to produce certain papers that were specified in the warrant—that instrument being itself invalid. It might be useful if he first called the attention of the House to the form of the warrant itself on which the question arose. It was dated the 10th of September, 1841, which hon. Members might recollect was in the last Session of Parliament. It recited,

> "Whereas a petition had been presented complaining of an undue election and return for the town and county of Southampton to the House of Commons, the matter of which petition is to be tried in the present Session of Parliament, by a select committee appointed under the act of the 4th and 5th year of her present Majesty. We, therefore, require (amongst others) William Rous Mabson, and each and every person herein named, to bring in their custody all letters, accounts, &c."

Using, observed the hon. and learned Gentleman, general words, sufficient to include the book of counterfoils and checks which had been mentioned,

> "And therewith to be and appear before the said select committee, and to receive such further orders as such select committee should determine and decide."

Now, he was informed, that warrants formerly required the parties to appear on the day on which the election committee was to be struck, and to attend, day by day, under the orders of the House. The consequence of this form was, that parties were in the habit of attending on the day when the committee was struck, and were thus subjected to great expense by continuing their attendance in London from day to day. Very frequently notice was given, that their attendance would not be required for the present, and they were, consequently, discharged, and new warrants were applied for, which were issued by the Speaker, to compel their attendance at the particular period when their appearance would be wanted. In order to obviate the manifest inconvenience, and expense of this onerous attendance of witnesses when they were not wanted, the form at present in question had been devised. That form might be an extremely good one to compel the attendance of parties during the Session of Parliament to which the warrants applied, and in which they were drawn. It might be perfectly efficacious for that purpose, and yet might not be of the slightest validity to compel the attendance of parties in a subsequent Session. That was the question which the House had to determine—a question depending on the character of the warrant, and the authority from which it emanated, whether it was a warrant that proceeded from the authority of that House, and therefore, like all other Parliamentary orders and proceedings terminated with the end of the Session, or whether it was a statutable authority, which, therefore, would not terminate with the Session, but would be operative at a subsequent period. Prior to the Grenville Act, in 1770, that House was alone the tribunal to try contested elections. The Speaker, under the authority of the House, and by its order, issued his warrant to bring parties, papers, and records before the House, in order that the House might determine by the examination of witnesses, and the inspection of documents, whether any given election was good or bad. Of course, the inconvenience of that course was seriously felt; and the Grenville Act was passed in 1770, by which the House delegated its authority to a select committee, to be appointed at a particular day named, to try the merits of any given election petitions. Under that act, the committee had the power to summon persons, and to order the production of papers and records; and without that power, so conferred on them by statute, the committee would not have possessed any authority over the witnesses. That authority, thus given by the Grenville Act, was continued by subsequent statutes; and it was not until the 28th of George 3rd, that the warrant of the Speaker was first mentioned in the trial of any controverted election; and then it was mentioned, not as an authority given to the Speaker, but was recognised as an authority conferred on the Speaker by the House. It seemed, that by such authority, the Speaker was allowed to summon persons and to call for the production of papers and records, by the 28th of George 3rd, the 9th of George 4th, and the 4th and 5th of Victoria, the present act for the trial of election petitions. By all these statutes it appeared, that this authority was delegated to the Speaker by the House of Commons. The Speaker's warrant was not considered as being issued under the provisions of an Act of Parliament, but under an authority recognised by the statutes as proceeding from the House of Commons to the Speaker. Now, this was a most important consideration, and he wished to call the particular attention of the House to it, because on this distinction the great point of the question turned; since, if this were a mere authority proceeding from the House, its force must, like that of every other order of the House (with a few exceptions, which he should presently mention), terminate with the conclusion of the Session, and he should be able to show, by authority not to be disputed, that it could not be resumed or made available in any future Session, but that there must be a renewal of the authority. He would, in the first place, call the attention of the House to the second volume, p. 335, of *Hatsell.* He says:—

> "The different effects of a prorogation and an adjournment were, that with regard to a prorogation, any bill or other proceeding not concluded at the end of one Session, in either House, in whatever stage it might be, was entirely put an end to, and must, in the next Session, be commenced again; whereas on an adjournment, every proceeding remained entire, and might after the recess be taken up where left at the time of the adjournment."

Now, in a note to that page of *Hatsell*, to which he had referred, it would be found, that there were exceptions mentioned, such as cases of privilege; and the House would observe, by reference to the Journals, that where a breach of privilege had been committed in one Session, the House had, in a subsequent Session, resumed the consideration of that breach of privilege, and had punished the individual who had been guilty of it, but not without previously resuming the consideration of the charge. It appeared to him, that this exception, which related to cases of breach of privilege, had no bearing ta all on the question before the House; because, before they decided, that there was a breach of privilege in this case, it must be shown, that the warrant with relation to which that alleged breach of privilege was committed, had full valid effect after the expiration of the Session of Parliament in which it was issued, and to which it expressly referred. He hoped, therefore, that the observations which he had made, would induce the House to hesitate before they came to any such conclusion as that the warrant issued in the last Session possessed its validity in the present. He apprehended, that such was not the fact; for it appeared to him, that at the conclusion of the last Session of Parliament, the warrant had exhausted its force, and had no power to compel the witness's attendance on the select committee. He should now briefly call the attention of the House to some great legal authorities on the subject, to which he wished particularly to refer his learned Friends who were conversant with legal questions. Without entering into detail, he would refer to the general result of the cases, as condensed in a passage to be found in 2nd Hawkins's *Pleas of the Crown*, cap. 15, sec. 54. It was there stated,

> "A person committed for contempt by order of either House of Parliament might be discharged from the King's Bench, after the prorogation or dissolution of the Parliament; and that all matters before either House must be commenced anew in the next Parliament, after a prorogation, except in the case of a writ of error."

To this he might add the case of an impeachment. Hawkins referred to several cases in illustration of his statement; but the passage which he had quoted contained the substance. Now, it appeared to him, that the authorities had determined, that every order or proceeding connected with the privileges of the House (with the exception he had already mentioned) ended with the termination of the Session of Parliament. He would put the familiar case of a person who was committed for contempt of the privileges of the House. Every person was perfectly aware, that the moment the Session terminated, in which the committal took place, there was an end of the imprisonment. The party was immediately entitled to be released. He would take another case; it frequently occurred, that in the course of the Session of Parliament, a motion was made, that a particular bill be read that day six months. Now, the object of such a motion was not to enable the House to carry on the proceedings with regard to that bill in the next Session of Parliament, supposing it to be assembled within six months, but the intention was to terminate the proceedings with reference to the bill in that Session, and to compel the parties supporting it, if they persevered, to renew the proceedings from the beginning, in the subsequent Session. If the new Session happened to commence within the six months, the bill could not, in that Session, be taken up from the stage in which it stood when the motion for postponing it was made, but it would be necessary for the hon. Member who introduced it to begin *de novo*. He should now submit to the House, that the warrant of the Speaker was not a warrant issued under any statute, but proceeded wholly and entirely from the authority granted to the Speaker by that House. If he had succeeded in making out and sustaining that position, the result and conclusion were inevitable, that the force of the warrant in question was at an end at the termination of the last Session, and that the instrument had no authority in the present Session to compel the attendance of the witness. The hon. Member for Devonport (Sir G. Grey) had, on a former occasion, quoted the act of the 4th and 5th of Victoria, and, as he understood, cited the 83rd section of that act as having the effect of continuing the validity of the Speaker's warrant in the present Session. [Sir *G. Grey* had not so argued.] He thanked the right hon. Baronet for setting him right. He could assure the right hon. Baronet, that he had no intention to misrepresent his argument, but so he at the time understood it. However it would be seen, on referring to the act, that the 83rd section could have no such effect. The 83rd section related to the continuance of proceedings actually begun before an election committee. After it had set forth the manner in which, and the time within which, the General Committee of Elections should appoint a select committee to try the matters of any petition complaining of an undue election or return for any county, city, or borough, it provided, that if Parliament—

> "Happened to be prorogued before such committee had come to a determination, such committee should not be dissolved, and all the former proceedings of such committee should remain and be of the same force and effect, as if Parliament had not been prorogued."

The House would observe, that this case came under the third branch of the section, if it touched it at all, which he contended that it did not. Here the warrant was issued in a former Session, but the committee was not struck until the present Session. Nothing whatever was done under that authority in the preceding Session. To him it was perfectly clear, that it did not apply to this case. He thought, therefore, that he might fairly be considered so far to have advanced in the argument as to have proved that this warrant was not a statutable authority, but an authority proceeding from that House, and, therefore, that it was placed in the same situation as all the other orders and proceedings connected with the privileges of the House, and that, like them, it came to an end on the termination of the Session. But he apprehended that the decision as to the propriety or impropriety of keeping this party in custody would not depend entirely on the decision which they might come to on this particular point; because, even if the House should be of opinion that this authority was a statutable one and had been conferred on the Speaker by an act of Parliament, the question would still remain whether the warrant, looking to its form, was such as would render the party disobeying it guilty of a contempt of the House. The warrant commanded the party on whom it was served "to attend before the select committee appointed to try the matters of a petition complaining of an undue election for the borough of Southampton in the present Session of Parliament." And he apprehended, with great submission to the House, that whatever might be the source from which the power to issue the warrant emanated, the manner in which it was framed was not such as to compel the attendance of the witness on whom it was served in the present Session of Parliament, seeing that the instrument was drawn up in the last Session, and had reference only to it. He would refer the House on this point, to what was the recognized practice of courts of law, sanctioned by long custom, under analogous circumstances. If a subpœna was served on an individual requiring his attendance at a particular sitting or assizes, if the cause was postponed, if it were for instance, made what was called a remanet, the party on whom the subpœna had been served could not be compelled, by any intimation given to him by the attorney or agent on the other side, to attend at any subsequent sitting or assizes under that subpœna. And why, he would ask, should there be a difference in that respect between the warrant of the Speaker and a subpœna issued in the course of proceedings in a court of law? He contended, that even if the Speaker's warrant were to be considered as a floating warrant, as it had been considered by some, still framed as it was, it could not compel the attendance of a witness in a totally different Session from that which was mentioned in the instrument. The hon. and learned Member for Bath (Mr. Roebuck) had alluded to the case of an individual bound over in recognizances to appear at the quarter sessions; but when a party attended on his recognizances, and was ordered to attend at another sessions, it was not a mere matter of course. There was a particular process to be gone through. In such a case, the recognizances of the individual must be respited from the sessions at which he had appeared to the subsequent sessions at which he was expected to attend. Some act must be done to transfer the obligation of attending from one quarter sessions to another. His hon. and learned Friend the Member for Bath would forgive him for saying that the analogy to which he referred militated against his own position. There was another point to which he wished to allude, and which appeared to have made some impression on the minds of hon. Gentlemen on both sides of the House. He alluded to the circumstance of this individual being supposed to have waved any advantage that he might have derived from the invalidity of the warrant by his having chosen to appear before the committee. The question had, no doubt, been raised in the first instance in the House, and had not been brought under the consideration of the committee by the very able counsel for the sitting Member, his learned Friend Mr. Austen; but he should observe that his learned Friend had had no opportunity of bringing that objection before the select committee before the party was in attendance. If, the party being in attendance, his learned Friend had said, "I object to his answering any question because the warrant is not good," the chairman of the committee would immediately have answered, "We have nothing to do with your learned argument as to the validity or invalidity of the warrant. We have the witness here before us; and whether he has appeared voluntarily or compulsorily, it is our duty to put such questions to him as we may think proper touching the petition the merits of which we have to try." It should also be observed, that the witness had not been committed for anything he had done before the committee, but was committed for refusing to produce certain documents, which, it was alleged, were in his custody when the warrant was issued. It was one thing to say, that a witness having attended voluntarily on the warrant or notice was compelled to answer, fairly and honestly, whatever questions might be put to him; and another thing to say, that coming before the committee, either voluntarily or on notice served upon him, he ought to be prepared to produce all the documents referred to in the Speaker's warrant of September last. That was perfectly clear. The distinction was surely quite evident. In his view of the case the party, though he came forward, might have remained at home, until the interposition of the Speaker by a new warrant or a summons from the chairman, who unquestionably had the right to send forth such a summons, called for his attendance; and certainly, under these circumstances he could not be considered in contempt by a supposed partial disobedience to the original warrant. He had now, as he conceived, fully and clearly stated the case. His desire was, to follow the wish of the House; for he was quite sure that their only anxious desire was to do justice to the individual whose case was under consideration. If they had taken any false step in this matter, he was convinced that they would recede from it as quickly as possible. If they acted without sufficient authority and had inflicted a wrong, they should redress the injury done without loss of time. He trusted that he had, with fairness and calmness and due deliberation, brought the subject before the House, under a sincere conviction of the validity of the argument which he had addressed to them—a conviction at which he had arrived before he had been able to consider the matter as fully as he had since done. He trusted that his opinion would, on examination, be found to be a correct one; and, at all events, he hoped that the House would, at the earliest moment, take this important matter into its serious consideration, and evince, as he was certain they would do, an anxious and earnest desire to do justice, not merely to this individual, but to every one of their fellow-subjects. He hoped that he should succeed in having full justice done, for that was infinitely more important, in his mind, than the result of the inquiry is to the validity of these warrants; and though sure of being correct in the conclusion he had come to, that was of little consequence in comparison with the injustice of detaining this individual. In conclusion, he begged leave to move, "That William Rous Mabson be discharged from the custody of the Serjeant-at-Arms."

Mr. *C. Williams Wynn*, in seconding the motion, said, during the many years he had sat in that House he trusted he had never shown any want of application or care in preserving its due authority. He would not weary the House by going over the ground which had been so ably traversed by his hon. and learned Friend, but he concurred in the argument as to the invalidity of the warrant, and he would entreat the House to bear in mind that there was nothing more important, in order to the maintenance of the privileges and the authority of the House, than the legality and the regularity of its proceedings.

Mr. *Redington* certainly would not attempt to enter into the learned arguments which had been so ably stated by the hon. Gentleman opposite; but he believed the House would agree with him, that the committee in this case had only made a proper and a legal use of the powers with which they had been intrusted. Undoubtedly, if the warrant were an illegal one this individual was entitled to the benefit of that illegality. With regard to the manner in which this question had been brought on, he really must say, that he thought the House had been taken by surprise, and the learned Member for Woodstock had omitted the only proceeding which would have been the proper and effective proceeding to render his intentions known; for the learned Gentleman, when he had given notice on the preceding evening of his intention to bring the subject before the House, might easily have stated that he meant to move the adjournment of the House for this day instead of Monday, according to the ordinary practice. There was one point to which he was persuaded the House would not deem it improper that he should advert. An expression had been made use of last night in reference to the proceedings of the committee, which, had he been present at the time, he should have repudiated in the strongest terms which the forms of that House would allow. That expression had been withdrawn, but were any such language again employed respecting the conduct of that committee, he should not hesitate to declare that a more gross and unfounded aspersion never had been cast on any seven sworn men, and he really must say that it would have been more consistent with that justice of which the learned Gentleman the Member for Woodstock surely ought not to be entirely oblivious, had he abstained from *ex parte* charges on a committee engaged in the discharge of its duties.

Mr. *Thesiger* begged it to be understood that he should not have given the notice in the form in which he had couched it, had he not apprehended that such was its regular form.

Sir *G. Grey* did not mean to impute to the hon. Member for Woodstock, that he had intentionally taken an unfair advantage, but he must say, that having heard at five o'clock last night the hon. Member give notice that he intended at the next meeting of the House to take the sense of the House, he was certainly under the impression, that the motion would have been made on Monday —the ordinary day. He thought the hon. Member ought to have stated, that at a late hour of the night he should move, that the House meet again on Saturday. It was quite accidentally, that, casting his eyes over the votes, he perceived that the Speaker was to take the Chair at two o'clock to-day. He did not rise to follow the hon. and learned Gentleman through the whole of his learned speech, for he really did not think—and he said it with all deference to the House—that that House was a tribunal capable of judging of the legal arguments which might be made use of, or of the legal merits of the case now under their consideration. Grave doubts had been expressed on the subject of the warrant by the hon. and learned Gentleman, whose authority he thought entitled to great respect, and he was quite ready to admit, that means might be taken to ascertain whether those doubts were well-founded, and if so to provide a remedy for the evil. But were they then competent to decide the question? Notwithstanding all that had been said by the hon. and learned Gentleman opposite, and by the law officers of the Crown, he was not prepared, on the statement of any hon. Member, to assume that a practice which had existed for such a length of time was illegal. What he would venture, therefore, to suggest to the House was, not that they would entertain the present motion upon the ground, either of the legality or illegality of the warrant, but that they should decide whether or not the witness should be discharged upon the merits of the case. He would also suggest, that a notice of motion should be given on an early day for the appointment of a select committee to inquire as to what the practice of the House then was with regard to the issuing of summonses for the attendance of witnesses before committees, and that the committee should report whether any and what amendment of the law was requisite on that subject. He would propose, that the Speaker should give that committee the benefit of his experience; and the report of that committee would be a document on which the House might rely. With regard to the warrant, he was prepared to say, that it had not been proved to be illegal; but the question of its legality or illegality was one which could not then be decided. It would involve a reference to the Journals of the House for several years past, and he thought it might also involve a reference to the proceedings of the other House of Parliament. There were cases in which resolutions of the other House had been held to be binding beyond the Session; and he thought in cases somewhat analogous to the one which they were then engaged in considering. The necessary inference from the hon. and learned Gentleman's argument was, that every warrant issued since the beginning of the present Session by the Speaker, having been issued on the authority given in the Session of 1841, was invalid. If he understood the hon. and learned Gentleman's arguments right they were these, that the warrant rested not on statute, but on Parliamentary authority; that the authority given in the Session of 1841 had ceased with the termination of that Session; and that the warrants issued under such authority had also ceased to be valid. The result of such a doctrine being adopted would be, that other election petition warrants issued by the

Speaker, summoning witnesses to give evidence before the respective committees, having been issued under circumstances similar to that in the Southampton case, would not be attended to by the witnesses; and was it a desirable result, he would ask, that those witnesses should be empowered to say, that they would not attend the committees, because the House of Commons had declared, that the Speaker's warrant issued in those cases was illegal? With regard to the merits of the case, he certainly was not prepared to dissent from the motion of the hon. and learned Gentleman (Mr. Thesiger) to discharge the witness from custody. It was admitted, that if the summons was not legal it was merely because there was a defect in the law; and he could not, therefore, feel much sympathy for this individual. If, in any suit at law, an individual had been informed that certain documents in his possession would be required for a trial in an ordinary court of justice, and had subsequently made away with those documents (even although he might not previously have received any warrant or summons to produce them), the party would, he apprehended, be liable to punishment for a wilful obstruction to the administration of justice. He would not advert to the conduct of the witness before the committee; he had no right to do so; but, looking at the evidence which he had given at the Bar, it appeared to him to amount to this, that he had possession of those documents—that he knew they would be wanted—and that he had parted with them, as he says incautiously; but, since the witness had stated, that he was willing to make inquiries as to the individual by whom he had sent these documents to Captain Ward, and as there was no suspicion that he would abscond, he thought it just, as he had been kept in confinement for three days, that he should now be discharged, but still liable to be called before the committee, still being bound to exert himself for the recovery of these papers, and bound to exonerate himself before the committee, and it might be, hereafter, before the House, from the charge of having wilfully got rid of the papers. If the motion for his discharge were rested upon those grounds, and not upon the ground of the illegality of the warrant, he would consent to it. He would not consent to declare that warrant illegal, but he would, as grave doubts seemed to be entertained on the subject, suggest that some course ought to be adopted similar to the one he had pointed out, for the purpose of setting the question at rest.

Mr. *Ferrand* would not have trespassed upon the House, had it not been for the strong language that had been used by the hon. Gentleman opposite. The Speaker last night had told him, that he was out of order in making use of the language which he had used, and he had immediately withdrawn that expression. He had wished to call the attention of the House to the fact, that the person had been met with in London accidentally, that he had been taken before the committee without having any opportunity given him to go down to Southampton, and that it had been impossible for him to go down to search for the paper. He had heard with surprise the hon. Member for Gateshead assert, that the majority of the committee had reported the conduct of that man, and had directed, that he should be placed in the custody of the Sergeant-at-Arms, not for the purpose of procuring additional evidence from him, but as a punishment for the manner in which he had given his evidence. He felt, that in using the expression he had done, after that avowal of the hon. Member for Gateshead—

Mr. *Hutt:* I rise to order, Sir. I feel, Sir, that the hon. Gentleman is not entitled to say, after having used the indecent expression—[" Order."]

The *Speaker:* The hon. Gentleman is clearly out of order in characterising any expression of an hon. Member in the House as indecent.

Mr. *Hutt:* Sir, I apologise to the House for having been so far carried away by the warmth of my feelings as to give utterance to an expression unworthy of my position as a Member of this House. I rise to order, Sir. It is evidently out of order for the hon. Gentleman opposite, after having made use of an expression with regard to the Southampton Election Committee, and after having been called to order by you for using that expression, and after having retracted that expression, to attempt now to justify it. If he has retracted—which I understand he has—the expressions which he applied last night, I presume he is not now to rise here in his place to justify them. I apprehend, that that was the line of argument which the hon. Member was pursuing, if he did not use the very words; and as it appeared to me that such conduct was in the highest degree objectionable, I thought it my duty to call the hon. Gentleman to order.

The *Speaker:* The hon. Member for Knaresborough last night made use of a term for which I found it my duty to call him to order. He used the word "vindictive," but when that expression was withdrawn, no reflection should have been made upon it in any other form. If I could have ascertained, before the hon. Member concluded his sentence, that it was his intention to justify the expression he had before used, it would have been my duty, and I should certainly have found it necessary, to call him to order again. I am sure the hon. Gentleman will perceive, that no Member has a right to reflect upon the conduct of a committee which is sitting to decide a case upon authority delegated to it by the House.

Mr. *Ferrand* said, that he sincerely regretted that he had used the language complained of last night. But he did not know whether it was necessary for him any further to justify the language he had used. He was not going to justify the word "vindictive," but he did think, that the hon. Member would allow him to say, that the language he had used was very extraordinary language for a member of a committee. [Mr. *Hutt:* What was it?] He had understood the hon. Member to make the very extraordinary assertion, that the committee had not confined the witness for the purpose of obtaining any further evidence from him.

Mr. *Hutt:* I did not say so.

Mr. *Ferrand:* So far as he remembered, that was the language used by the hon. Member.

Mr. *Bernal* rose to order. He was sure the House and the hon. Member himself would perceive, that it would be highly injudicious and highly indecorous, that the time of the House should be wasted by repetitions of what had passed in former debates.

Mr. *Ferrand* said, that he had first been attacked in very strong language, and he had only risen for the purpose of explaining. The hon. Member had at all events used very strong language towards him personally.

The *Speaker:* The hon. Member for Knaresborough acted most properly by retracting the expression he used last night. The hon. Member for Dundalk did not, this evening, as I understood him, attack the hon. Member for having used that expression. But the hon. Member for Dundalk said, that if that word were applied again, he should feel it his duty to use the strongest terms which the forms of the House would allow. The hon. Member did not, however, as it appeared to me, use any strong expression affecting the hon. Member for Knaresborough. I trust the hon. Member for Knaresborough will see, that it is perfectly irregular to allude to what has been said in a former debate.

Mr. *Hutt:* Perhaps, if I am perfectly in order, the House will permit me—[*Loud cries of* "Chair," and "Order."] I presume the House is not going to refuse to hear me in explanation of my course of proceeding—some explanation of the charges made against me. Sir, I am disposed to approach this subject in all calmness. As I have stated, I did not use the expression attributed to me. The expression I did use was—[The hon. Member was again interrupted by loud cries of "Order," and "Chair."] Surely the commonest indulgence might be granted me. I did not say that for the purpose of—[*Cries of* "Order, order."]

The *Speaker:* After having called one hon. Member to order for referring to former debates, surely the hon. Member will not repeat that irregularity.

Mr. *Hutt:* I will not press—

An hon. *Member:* You have no right.

Mr. *Hutt:* Who says I have no right?

Mr. *C. W. Wynn* instantly rose and said, I thought that the hon. Member for Knaresborough had not concluded his speech. He was interrupted by a speech to order. He is, therefore, in possession of the House.

Mr. *Ferrand:* After the remarks which have fallen from the hon. Gentleman opposite, I do not think it necessary to say anything more.

Mr. *Hutt:* I can assure the House, that I had no intention of interrupting the hon. Member for Knaresborough. I thought he had concluded his speech. It is impossible for me not to feel myself seriously affected by the different charges made against the committee of which I am a member. I can assure the House, that according to the best of my ability, I have endeavoured to discharge my duty upon that committee. I will say, that with respect to my acting as a member of this committee, if any one should say that I have made an unjust application of my oath, or in any way perverted my duties as a man of honour—if such an allegation were made, either in this House or elsewhere, I would treat the person who made it as a calumniator and a liar. [" Chair, Chair."]

The *Speaker:* I must tell the hon. Member, that such expressions cannot be tolerated here. It is my duty to call on the hon. Member to retract his expression.

Mr. *Hutt:* I assure you, Sir, and the House, that I feel sincerely sorry if I have in any way offended against the regulations of this House. Using the expression I did, I thought it was a part of speech which was permitted in this House. I had no intention of going beyond the regulations of the House. He would dismiss this subject. He was not surprised that the right hon. Gentleman who occupied the Treasury benches did not stand forward in defence of the hon. and learned Gentleman. He thought that the hon. Gentleman who had given notice of a motion for Monday to bring this subject under the consideration of the House, would have acted a more becoming and a far fairer part, if he had communicated his intention to the committee, or to one of the Members of that committee, instead of bringing the subject unexpectedly under consideration late in the evening. He was not surprised, that many exalted and hon. Members did not acquit the hon. and learned Member of disingenuousness.

Mr. *Thesiger* here rose and said, he did not know whether the hon. Member were in order. He had endeavoured to explain to the House that he had not acted on any improper motives, and he trusted he had explained that satisfactorily.

Mr. *Hutt* presumed he was in order. The hon. Gentleman had made an explanation which might be satisfactory to his own mind, but it was not so to his mind, nor to a majority of that House. With regard to the motion which had been brought before the House, he could only say, that if it were decided, that the warrant was not a legal instrument, the individual in question ought to be discharged. He would say, in addition, that Members who served upon committees had a very arduous duty to perform, which was rendered still more so, when, after serving upon committees from eleven to four o'clock, and then performing their duty as Members of the House, they might be called upon at half-past two to defend any portion of their conduct.

The *Solicitor-General* said, he thought one part of the suggestion of the right hon. Gentleman opposite might be acted upon by the House. The case certainly, as affected the general question of law, was of an importance which could not be exaggerated, and certainly a question of such importance ought not to be decided on the mere statement of any Gentleman in the House. The question, let him observe, was one which could not have occurred before. Since the bill of his right hon. Friend had been introduced no case of the kind had occurred; and the present case had not arisen from the provisions of that bill, but from the circumstance, that after the last general election, so many petitions against returns were presented, and the Session was so short, that no committees could be appointed for the trial of those petitions in that Session. It appeared that Speaker's warrants had been issued between one Session and another, in the existing Session, and also in the last Session; and the question had arisen, whether the Speaker's warrant issued last Session was binding in the present. When the warrant was read at the Table of the House, and he asked if it was a regular warrant, he was not aware that other warrants of a similar nature had been issued, nor of the extent to which his question would affect them, considering that the parties in that particular case had made some mistake, or had attempted to carry over to this Session the power of a warrant of the last. But now that the question had been mooted it ought to be settled. How was that to be done? He had been told, that he did wrong not to express a decided opinion upon it at first. Had he done so—had he, when first he heard the subject mentioned in the House, expressed it as his deliberate opinion, that the warrant was illegal, he thought he should have been wanting in proper respect to the Speaker and to the House. He was not aware of the existence of any act of Parliament giving, on distinct grounds, any direct legislative power to the Speaker to issue his warrant. Upon what authority, then, had the Speaker issued it? Upon the authority of one of the inherent privileges of the House of Commons. If, then, it was a privilege of the House, and not a legislative power, it was on authority derived from the House, and one which the Speaker had no right to exercise independently of the House; and if the warrant was issued by the order and under the authority of the House in the last Session, the question was, whether or not the power so exercised by the House had not been put an end to by the prorogation? If the House entertained any doubt upon the subject, they should let the prisoner have the benefit of the doubt; and he hoped that they would adopt the suggestion of his right hon. Friend opposite, and agree to discharge the prisoner, because then they would be in a condition to discuss this question calmly, fully, and fairly. The man was not in custody for contempt, but for disobedience to the orders of the House, so that the House could have no difficulty in dealing with the case. He had purposed to move for a committee to inquire into the legality of such warrants, with a view to frame an act, if necessary, for the improvement of the present law, and he should like to see a clause passed which would relieve the House from its present anomalous position of being called upon by a committee to decide upon cases of the facts of which they knew nothing. Something had been said about the House being a court of appeal; it could not be a court of appeal while without evidence in the cases referred to it. Every hon. Member must have been vexed at the introduction of such questions into the House, seeing that they could not be discussed without exciting feelings and language that must be deplored. Therefore, everything that took place with regard to election petitions ought to be altogether removed from the House. ["Hear, hear."] He hoped he was not misunderstood. He gave no opinion upon the question whether it were right to remove these matters altogether from the House, but he thought they should be removed altogether from the body of the House. Expressing his concurrence in the proposition of his hon. Friend, he would, if the House consented to the discharge of the prisoner, give notice of a motion for Monday next,—

"That a select committee be appointed to inquire into the practice of the House with regard to the summoning of witnesses to attend election committees, and to report whether any and what alterations in the present law upon the subject may be requisite."

Sir *T. Wilde* said, he agreed, and no doubt the House would agree with his hon. and learned Friend, as to the appointment of a committee of inquiry into this subject; and that it was most desirable that acts of Parliament relating to election petitions should be so framed as to relieve the House from entering on such unsatisfactory discussions as it had recently been engaged in. With regard to the powers of the House, the act had already defined them; because it was clear that only so much of the authority of the House as had been withdrawn did it cease to possess; but all the originally constituted authority it ever possessed, and which had not been withdrawn, it still possessed and exercised, and it was under this parliamentary authority that the Speaker had acted in issuing his warrant. The House possessed an inherent power, which remained untouched, and was perfectly efficient to decide upon the case before it. If the witness, being required to produce certain papers, failed to do so, and had destroyed them or placed them out of reach, he was clearly guilty of a contempt of the authority of the House, and liable to be committed to prison. Much ambiguity and difficulty had arisen from calling the notice to produce papers served upon the witness a Speaker's warrant. It was nothing more than a notice to produce, and the question was, whether that document being signed by the Speaker was, in the judgment of the committee, a reasonable notice. The witness had not objected to the notice, nor said that he had not received reasonable notice, nor had the committee reported him guilty of contumelious conduct, but that he did not comply with the Speaker's warrant. The form of the report of the committee had given rise to the question as to the legality of the warrant; but it appeared to him that hon. Gentlemen had carried it beyond its proper limits. If the committee had reported that the man had misbehaved himself in not producing the papers required of him, the House might have been spared much trouble and inconvenience. They would have seen then whether or not the party had a fair and reasonable opportunity to produce the papers, and whether his reasons for not producing them were sufficient and *bonâ fide* reasons or not. If a person, after receiving such a notice, might think he could destroy the papers by putting them in the fire, or could send them out of reach, and justify his conduct by the averment that the notice was issued in that or in this Session, and therefore was of no force, it was easy to conceive what would be the effect of the act of Parliament. But, suppose the committee had reported that the man had misbehaved himself, what should the House do? The act directed:—

> "The chairman of the committee by their direction may at any time report to the House for the interposition of the authority, or of the censure, of the House."

Not for the judgment, not for the opinion of the House, not for a review of the matter by the House, but for the interposition of its authority or censure:—what did that mean? It might require the interposition of the authority in only one way—commitment; or it might require only the censure of the House. It was for the House, then, to say, whether censure or commitment was to follow as the result of the verdict of the committee. It always gave him great discomfort to hear hon. Members in that House making reference to the practice of the courts in Westminster-hall, because, whatever deference they were disposed to pay to those legal tribunals, if their authority were admitted in the case, the authority of Parliament would be limited. The rules of the courts at Westminster, in fact, were not applicable to the practice of Parliament, which was founded upon higher and entirely different principles. If it should turn out upon inquiry that an order made in one Session ceased to be of force in another, which he doubted, he would still protest against attempting a remedy by a new act, because the House had power to make standing orders in one Session to govern the proceedings of that and future Sessions. He knew of no constitutional reason why their power in this respect should be limited. At all events, this was a question which must now be set at rest, and he knew of no better mode than that suggested by his hon. and learned Friend. He thought nothing could be more mischievous than for the Members of the same committee, sitting on both sides of the House, to rise in their places and state opposite views of the same question. The circumstance of hon. Members being thus brought into collision with each other tended much to incapacitate them for coolness, deliberation, and judgment. He should vote for the discharge of the prisoner, because he thought that, pending the inquiry which his hon. and learned Friend the Solicitor-general had prepared, he ought not to be retained in custody. He had no doubt upon the point mooted by his hon. and learned Friend; but as his hon. and learned Friend,—and there could not be higher authority—had expressed a doubt on the subject, he would not oppose the inquiry which was suggested.

Sir *C. Napier* had not last evening an opportunity of replying to a grave charge made against him by the right hon. Baronet at the head of her Majesty's Government. He had been accused by the right hon. Baronet of having endeavoured to embarrass the Government by bringing forward a motion of an unparalleled character—["Order."]

Lord *Mahon* rose to order. He appealed to the House whether it was fair in the absence of the right hon. Baronet to make any observation with reference to what had fallen from the right hon. Baronet on a previous occasion.

Sir *C. Napier* begged to assure the House, that in the course which he thought proper to pursue last night, it was not his intention either to embarrass the Government, the House, or the Southampton Election Committee; but when he heard her Majesty's Attorney-general, the highest legal authority in the House, state that he had consulted works, and had ransacked acts of Parliament, with a view of solving the question at issue, and that after this, the conviction on his (the Attorney-general's) mind was, that the warrant was illegal—when, in addition to this, he heard the hon. and learned Member for Woodstock express a similar opinion, he (Sir C. Napier) thought, that the prisoner ought to have the benefit of that doubt and be discharged. He was glad to find, that what was considered wrong last night, was viewed in an opposite light this afternoon. Although he was in a minority of thirteen last evening, it now appeared the unanimous opinion of the House that the prisoner should be discharged.

Mr. *W. O. Stanley* said, that he had not yet addressed the House on the subject. He thought, that the Members of the committee ought not to intrude unnecessarily their opinions on the House until the proceedings had been brought to a conclusion. The chairman was the proper person to bring the subject before the House. He could assure hon. Members, that neither himself nor any other Member of the committee had been influenced by any vindictive feeling in committing the prisoner to the custody of the Sergeant-at-Arms. They had been induced so to act, because they thought the Speaker's warrant had been treated with disrespect.

Mr. *Redington* said, that he should support the motion of the hon. Member for Woodstock.

Motion agreed to.

Mr. Mabson ordered to be discharged.

Mr. *C. Wood* suggested, that the prisoner should be ordered to attend the Southampton Committee on Monday morning.

The *Solicitor-General* agreed in the propriety of the suggestion.

Ordered accordingly—

That Mr. Mabson do attend the Southampton Committee on Monday next.

Adjourned.

HOUSE OF LORDS,

Monday, May 2, 1842.

MINUTES.] BILLS. *Public.*—2$^{a.}$ Timber Ships; Soap Duties Drawback.

Private.—1$^{a.}$ Samuel Stillman Gair's Naturalization; Ardrossan Harbour; St. Philip's (Bristol) Bridge.

2$^{a.}$ Buckland Inclosure; Sheffield, Ashton-under-Lyne, and Manchester Railway; Huish Champflower Inclosure; Glasgow and Redburn Bridge Road.

Reported.—Bates's Naturalization; Bolton and Preston Railway; (specially) Cheltenham and Great Western Union Railway.

3$^{a.}$ and passed:—Glegg's Divorce; Ormesby Inclosure; Stanhope and Tyne Railway.

PETITIONS PRESENTED. By Lord Clifford of Chudleigh, from Roman Catholics in Whitehaven, Chepstow, Chudleigh, and other places, for a measure to secure Religious Instruction to the Catholics in the Army and Navy.—By the Duke of Rutland, and Lord Monteagle, from Rutland, Norwich, and Carmarthen, against Alteration of the Corn-laws, against the Income-tax, and Tariff.—From Waltham, in Leicestershire, for Protection to the Agricultural Interest.—From the Boards of Guardians of Alstonefield, Blore, Swinsese, Calton, Stanton, Ermdon, and other places, for Alteration of the New Poor-law Amendment Act.

BAPTISTS' AFFIRMATIONS.] Lord *Denman* said, it was his intention to have moved the second reading of the bill to enable persons belonging to the sect called Baptists to substitute affirmations for oaths, but since the bill had been laid upon the Table he had found that strong objections were entertained against making the measure applicable to that sect alone. He had been frequently asked why this privilege should be granted to Baptists, and not to other sects who might entertain the same scruples in regard to the taking of an oath. Upon principle he had found great difficulty in answering that question. His reason, however, for introducing so limited a provision had been a deference to the opinion that had been expressed by their Lordships on a former occasion. He could not, however, abandon an object which he conceived to be of great importance to the due administration of justice, and he felt it is duty to state to the House that in a few days he should introduce a measure by which he would endeavour to include the case of all Christian men who entertained scruples similar to those which he had purposed to provide for in the case of the Baptists; and he trusted, that when the bill was before their Lordships, he should not be met with the objection that there was no security that the parties belonged to any particular sect at all. At the same time, if their Lordships objected to make the measure general, he still thought that the Baptists were entitled to the relief they sought, and the bill in its present shape might be again resorted to. He might take this opportunity of stating, that the petition of the large and respectable body with whom he had been in communication was not on behalf of themselves only, but of all those who entertained similar scruples. They did not seek for an exclusive privilege. He begged leave to withdraw the present bill; and in a few days he would call their Lordships' attention to the general question.

BRIBERY AT ELECTIONS.] Lord *Brougham*: My Lords, I rise to move that your Lordships do send a message to the other House of Parliament to ask for the communication from them of the reports of their committees upon three elections, the merits of which had been referred to those committees to try. The votes of the other House show, that the committees have made their reports, and also that the House of Commons has ordered the printing of the minutes of those committees. The minutes of evidence have been specially reported to that House, and I wish to ask for the communication of those reports and minutes so received. I feel that it is the more necessary for me to call your Lordships' attention to the subject matter of these reports, in consequence of a notice which I gave last Session, and which I believe met with the concurrence, generally speaking, of this House, that I should move this Session for the appointment of a committee to consider the bribery laws—to consider whether the practices which have lately prevailed were in violation of those laws, and to consider of measures which might be fitting to adopt for the purpose of better enforcing them. I am frequently asked why, in redemption of the pledge I then gave, I have not hitherto called the attention of your Lordships to this subject. My answer is, that I then stated, until progress should be made by the other House in the various election petitions which appeared by the votes to be pending, and which were to be taken into consideration this Session, it would be inexpedient to enter upon the inquiry. Chiefly for this reason, while the inquiries were carried on before these committees *alio intuitu,* I deemed it improper to enter upon the inquiry here. Already, however, great progress has been made in these inquiries, and it appears that in three cases committees have reported generally against the places where the election has been had. It appears that in one of these instances, namely Ipswich, there is a general report that bribery has prevailed—that in another, namely Sudbury, there is not only a general report of bribery having prevailed, but a strong and, I believe, I may accurately add, an unanimous recommendation by the committee to effect the disfranchisement of the borough on account of the grossness of the bribery and of its universality. I must call the attention of your Lordships to the great importance and gravity of this question. It is in contemplation to discuss the propriety of the disfranchisement of boroughs, in consequence of the prevalence of malepractices. I must now, therefore, remind your Lordships of the very remarkable circumstance which took place in this House, as connected with this question, some years ago, namely, in the year 1834. A bill reached your Lordships from the other House, laying down a general course of procedure in all such cases, constituting a particular form in which Parliament should proceed, with a view to the disfranchisement of a borough, when a charge of general bribery was made. It is necessary that your Lordships' attention should be called betimes to this subject, because we know well that the course of proceeding in Parliament has, generally speaking, been this—that while we in this House have for the first three or four months of the Session little or no legislative business to transact, towards the end of one sitting there comes up from the other House an overwhelming bulk of measures of the greatest importance, the discussion of which, and the decision upon which is of necessity crowded into the space of a few weeks, and indeed, I should speak more exactly, if I said of a few days. When, therefore, I see notices in the House of Commons that such a measure as the disfranchisement of a borough is likely to be adopted on account of bribery, and when I know that these measures, all teeming as they are with interest, will come up to us late in the Session, and on the very eve of Parliament being prorogued, I think I have said enough to satisfy your Lordships that the sooner you direct your attention to the subject generally the more expedient for the country, and the better for the due discharge of your Lordships' public duties. Let me, then, proceed to remind your Lordships of what took place in this respect and with this view in the year 1834. The House of Commons then sent up to your Lordships a bill which had passed through their House apparently without any very great attention having been paid to the details—which had passed through that House without any very great attention having been paid to the inevitable consequence of passing that measure; for it amounted to this, that if a charge of general bribery should be made before the Commons, and if a committee, chosen as the old election committees were under the former act of Parliament, should be empannelled to discuss the charge, and should report that, in their opinion, the charge was true—then, not by a bill, not with all those safeguards against mistakes, which are provided by the various stages of a bill, but simply and only by two votes, one in the one House of Parliament, and the other in the other House, and then by a joint address to the Crown from the two Houses, the disfranchisement of the borough should at once be effected. I had then the honour of occupying that seat, now so much more worthily filled by my noble and learned Friend, and I at once said it was impossible such a bill should receive the concurrence of this House, for it would come to this, that by the power of a majority on the side of the party in power, all the great boroughs in England might, by a single vote of the House on each, be disfranchised in a day. My noble Friend opposite (Duke of Wellington), and my noble Friend now occupying the high situation of Governor-general of India, concurred in the view I took, that it was impossible for your Lordships to entertain a measure of that kind. The noble Duke then considered the subject, and made a suggestion of the greatest value, and of the very highest importance; and he requested me to aid him in putting that suggestion in a legislative form. I accordingly prepared a set of clauses by way of amendment or alteration of the bill on my noble Friend's plan, but with some additions. For this I claim not the least credit to myself, for the principle was my noble Friend's, not mine; and ninety-nine parts out of every 100 of what was valuable belonged to him. The clauses thus framed which I suggested were re-referred to a select committee up stairs, which sat day after day discussing them. Some material alterations were made in the course of those discussions, and the clauses were ultimately adopted by the committee, reported to this House, and agreed to by your Lordships with an unanimity that was singular upon a subject so likely to excite diversity of opinion, and singular as considered with reference to a subject of so much importance. I believe, that every one of the clauses was adopted by the select committee without a division, and they were likewise agreed to in this House without a division. The whole being passed, the bill, as thus amended, was returned to the other House. In that shape it was rather a new bill than an amended bill, I admit. It was on that account exposed to the same objection that I had originally taken to the measure as sent up from the House of Commons, that by a single vote interests of such magnitude were to be disposed of: for by the parliamentary form of proceeding the Lords' amendments would have been agreed to by a single vote of the other House, and the bill would have received the royal assent and become law with the usual discussions in all the stages. I could not therefore complain, that the House of Commons postponed the consideration of the bill for that Session, on the ground that it was a totally new measure; but I will venture to say, that at the time those amendments were taken into consideration in that House, no objection was started to the plan suggested by my noble Friend, framed by me, adopted by the select committee, agreed to by your Lordships, and by you sent to the other House. No objection was taken to the principle. The measure was merely postponed. I deeply lament, that that postponement has continued up to the present time, and I would fain hope, from the attention given by the other House to the measure, thus framed and remitted to them, that some such proposal will now be brought under their consideration. It was a large as well as a salutary measure. It was a measure of great novelty in parliamentary proceedings. I think it was framed upon the soundest principle, and I believe, that the adoption of the principle would work a great and important good. It appointed, that as often as a charge of general bribery should be made against a place, the matter of that charge should be referred to a committee—but a committee consisting of Members of both Houses of Parliament; a joint committee of twelve, seven of them being commoners and five being Peers, to form as it were a jury for the trial of the question. But this was not all. The jury was to sit and try the case under a presiding judge, that judge being one of the judges of England, and not a Member of either House of Parliament. And to that remedy, in my clear and firm opinion will Parliament in the end be obliged to come, after they shall have perhaps made one or two more experiments to carry on such enquiries within their own body, without other assistance, and after those new experiments shall have in the future, as they already have in the past, and up to this hour, signally failed. It was then provided, that sitting under the presidency of the judge—that judge to rule all questions of law, and to dispose of all questions of evidence subject to an appeal to the other judges of Westminster-hall, and a return being made of their opinion, affirming or reversing as the case might be, the first judgment—a special verdict should then be found by this court, consisting of the judge and mixed jury, and that the verdict, setting forth all the facts, should be returned as a record to both Houses of Parliament, and should be conclusive and binding on both Houses, as to all the facts of the case, in whatsoever proceedings either House might think fit to institute against the borough in respect of the charge. Then a bill was to be brought in, and that bill was to run the course of all other legislative measures: it was to be read a first, second, and third time, to be committed and reported, and passed. All the safeguards were to be observed and kept in the case of that particular bill as in the case of all other bills, but the facts of the case were to be concluded by the return of the judge and parliamentary jury, and upon those facts the act of the Legislature was to be grounded and passed. After once more expressing my opinion of the importance and value of that measure, I have now to mention why, in another point of view, I feel it to be necessary that your Lordships at present should attend to this matter. We have been called upon for our assent two several times within the last few years to bills sent up from the other House to regulate the proceedings of committees on controverted elections. These bills more affect the other House than your Lordships. The Crown and the Peers have the least immediate, the least near, and the least direct interest in these matters. The Crown and Peers, however, have that interest which renders the consent of both necessary to an enactment. Much discussion took place upon the passing of that act. My noble and learned Friend who proposed it in this House, with his usual ability and distinctness, with that clearness and that force with which he always states his case, brought before your Lordships the whole matter, and obtained your unanimous concurrence. He then stated the grounds upon which a change, and a great change, in the law of election petitions was deemed desirable by the other House. Two years after, or it might have been in the year immediately following, some alteration was made. I agreed with my noble and learned Friend that this measure was an improvement in the law as it stood. I thought with him that the measure was well devised, and there was every ground to hope for good effects resulting from it. It is natural that we who were the friends of that measure—it is becoming that you who adopted it on our recommendation—should look to its working with a view to ascertain whether we were wrong in the expectations we then formed, and then raised, with a view to ascertain whether experience has told in its favour—with a view to discover whether it has been acted up to—with a view to discover whether it has had fair play—with a view to ascertain whether the fault, if fault there be, were with us, who expected good things from the bill if we should pass it, or in those who were to work out the measure, and whose working it differently from what they have done possibly might have produced the results we had a right to expect. Therefore it is that I think it becomes your Lordships to see what has been done under the bill, to which at the desire of the other House you gave consent. Again, another measure passed last Session at the desire of the House of Commons. That House sent up a bill which, setting forth in the preamble that the existing law was not sufficient against bribery at election, laid down, in four several sections, new plans for the purpose of more effectually preventing it. Three out of four of those sections proved to be of such a nature, to be liable to such innumerable objections, to be so inconsistent with themselves, to be so repugnant to all principle, and so opposed to the fundamental rights of the people, to be so utterly at variance with the sacred rules which guide the administration of justice, that I found no difficulty in prevailing upon your Lordships to reject those three enactments. But the fourth section stood upon different grounds. It appeared to be well contrived for its purpose, and to be a contrast to the merits or rather demerits, of the others. Accordingly, after due consideration, and some hesitation on the part of a noble and learned Friend of mine, whom I now see in his place (Lord Abinger), we passed it and it became the law of the land. It is, of course, natural that we who last Session passed that measure, with a view to the elections which were then immediately afterwards to take place, and it is also expedient, that we should see how that measure has worked, and above all how the House of Commons, who sent up the measure, to part of which we gave our consent, but from the residue witheld our concurrence, have acted under that measure. I think it is in vain to deny, upon the proceedings which the votes of the other House of Parliament show, that both these measures have been at least unfortunate in their fate in that House; that unhappily—I speak with all deference and respect for the other House—that unhappily certain opinions have prevailed, and certain views been entertained and acted upon, which have not tended to give to the measure which your Lordships, at the desire of the House of Commons, assented to, a reasonable chance of producing any very considerable good, or perhaps I ought more correctly to say, of producing any part, however small, of that benefit which it was fondly hoped the measure would realize. The plan which we were desired to consider, which my noble aud learned Friend discussed with me, and which, upon mature consideration, became law at our instigation—the plan chalked out by the other House, and sent up to your Lordships, consisted of the appointment, at the beginning of each Session, of six Members of that House, who were to form a committee of selection. These six Members were to choose, in the first place, a panel of chairmen; and in the next place, to choose in each particular instance six Members to form a committee, which six Members, sitting under one of the chairmen, were to dispose of the merits of an election petition. This is, in short, the measure that we agreed to, and from which I think we had a right to expect great improvement in the former election practice. The manner in which the House of Commons in its wisdom thought fit to act under this bill, is as follows:—The Speaker—I now speak from the votes—the Speaker names six members as a committee of selection. The votes of the House of Commons give us now an opportunity of ascertaining the course which the Members of that House think it their duty to pursue. It has pleased the House of Commons of late years to print, as a part of their votes, the names of all the Members who vote in each division. This is a great, and many think, a salutary innovation upon the practice of former times; some look upon it as a hurtful one, but that is a question upon which I will not now stop to enter. The names of all Members that vote on each division are printed, and their constituents, and your Lordships, and the world at large, have thus the means of knowing, on the face of the votes themselves, how every Member of the House of Commons votes on every separate occasion. From this practice there necessarily follows a classification of Members—for, if you find on those votes the same Members always voting together, you naturally conclude there is some peculiarity distinguishing them, some diversity whereby they may be known from others and classed in an order of arrangement. When you see that the same Members are always recorded as voting for the measures propounded by the Government of the day, and that other Members as invariably vote against the measures so propounded, it is not without foundation that an opinion gets abroad that there is such a thing as party, and that party considerations influence the votes of the other House. Now, I find that the Speaker, called upon to name those six Members as a committee of selection, chooses three Members who are always found ranged among supporters of the Government, and three Members who are as invariably found ranged among its opponents; and to leave no doubt that it is with some such view that the arrangement is made, the names on this committee of selection are placed alternatively; the first is a Government Member, the second an opposition Member, the third a Government Member, the fourth an opposition Member, the fifth a Government Member, and the sixth an opposition Member. This committee of elisors, as our ancestors would have designated them, are then called on to elect six Members to form the election committee, and in this they proceed on the same principle on which the selection of themselves was made. Fifteen committees have already been chosen, and I find that each consists of three ministerial and three opposition Members, also chosen alternately—the first a ministerial, the second an opposition Member, the third again a ministerial Member, and so on; and that no doubt may remain, to prevent even the possibility of a doubt, for what purpose, and with what view the choice is made, twelve chairmen are selected, not alternately indeed, but on the same principle as the committees themselves, namely, six ministerial and six opposition Members are chosen as chairmen. The consequence of all this is, that each committee is composed of four members of the one party, and of three of the other party; and you have thus a court of justice of the highest order, a court of judicature appointed to consider questions of the highest importance—questions, compared with which ninety-nine cases in a hundred, nay, 999 cases in every thousand, of those disposed of before our judges and juries by the common law of the land sink into utter insignificance, whether we consider the gravity of the stake, or the vehemence excited by party spirit. A court of judicature is formed with four judges belonging to one party, and three to the other, all solemnly sworn, well and truly, upon their sacred oaths, to try the merits of the petition before them. I cannot help regarding this as a most astounding course. What is it more or less than to say that they suspect that those men act, not according to their oaths but according to considerations of party? There must be suspicion, for nothing less can account for such a system of choice. But if you promulgate an opinion that you believe men capable of such offences—if you begin by blasting their characters, you go more than half way towards verifying your suspicion. I do not, of course, apply my remarks to such men as these; but in the case of other men, if they are once marked out as suspected, they will generally be prone to earn the wages after paying the price; they will not be suspected for nothing. I should have liked to have seen skilful and learned men placed in the chair of these committees, and when I gave my vote for the bill I expected that such men would have been selected. I expected to see the committees presided over by gentlemen belonging to the profession of the law and distinguished by their legal knowledge. Is the House of Commons to derive no benefit from the *copia peritorum*—from the presence within its walls of the most skilful members of the profession? Yet, I cannot find in the lists of these committees any chairmen whose names are known in Westminster-hall. There may be among them men who are known there, but then they must have been known there before my time, or must have become known since my time. It might be a loss to so many eminent men were they chosen to preside over committees of the House of Commons; but if they felt they had a public duty to discharge, I am persuaded they would be the last men to refuse to discharge that duty. I now come to another question. In how many cases has the decision been according to, and in how many cases has it been contrary to, the party politics of the majority? There have been ten cases of contested elections, which have led to the unseating of the sitting Members. I know it is an opinion in Westminster-hall, that if a case is to be tried by a prejudiced judge, it is better that it should be tried by one judge than by seven. As the case now stands, the party that has an adversary in the chairman knows that that adversary is backed by three other political adversaries; whereas, if that chairman sat alone, he would be likely to feel a heavier degree of responsibility, and would be more likely to give the case a full and impartial hearing. I throw out this merely as an opinion entertained in Westminster-hall, and come now to the question I have asked, as to the result of these selections. There have been ten committees on contested elections that have ended in unseating the sitting Members, and in seating the petitioners. I apply again to the test of the votes of the House of Commons to ascertain in how many cases the decision has been according to, and in how many cases it has been contrary to, the politics of the majority. In nine cases out of ten, has the decision been according to the politics of the majority. I have no doubt that in all those cases the committees came to a conscientious judgment; I do not for an instant suspect that the politics of the majority interfered in any one case with the decision of the committee. For aught I know the committees may in every instance have been unanimous in their decision—there may not have been a single division among them; but it has often been said, and it cannot be too often repeated, not only should justice be pure, but she should also be unsuspected, and I would ask any man who calmly considers the structure of those courts of justice, the manner in which each of them is studiously formed with a view to the party affections of the judges, the fact that the judges are themselves parties to the actions they have to try, and that in nine cases out of ten the decisions have been according to the party views of the majority—I would ask those who have calmly reflected on the recorded votes of the House of Commons, whether the decisions to which these committees have come, can do otherwise than create, I will not say a doubt, but at least some hesitation as to the perfect purity of the tribunals? In these committees it has been customary, time out of mind to deliberate with closed doors. I do not object to that, but the committees have now gone a step further; because they have concealed their votes when the House has published the lists of its decisions. They give their decisions publicly, but without letting it be known how the different Members of the court have voted. They may, in every instance, have been unanimous, or they may have decided every case by the narrowest majority of four to three, according to their party politics. Nor do they assign any reasons for their judgment. It would be some check upon the committee, if, as a matter of course, the minutes of all their proceedings were printed, and made known. The judges of the land do not hold it to be inconsistent with their duty, or beneath their dignity, to let their countrymen know on what grounds they form their judgment; the judges do not think it inconsistent with their duty, or below their dignity, to assign reasons for their judgment, for it is on reason that they expect the authority of their decisions to rest. Not so these committees, with three party men on one side, and three party men on the other, and with a party chairman to preside over them. Though in each question that comes before them some party interest is involved, that is some interest of them, the judges, they wrap themselves and the motives of their decisions in mystery, and would deem it derogatory to their dignity if they were to let the world know how they have voted, or if they were to give any reason for the manner in which they have voted. This system, I have not the least doubt, is one that cannot last. It will become necessary that these cases be dealt with judicially, by tribunals composed of persons unconnected with party. So long as the judges continue to be Members of the other House of Parliament, so long it will be absolutely necessary that this anomaly should continue—namely, that we shall have a court, all the judges of which are parties in the cause, yet against whose judgment there is no appeal. My Lords, I have no hesitation in stating it as my opinion, that this must be the result of all experiments having for their object to leave the decision of these cases to a committee of the House of Commons; and to those who say that the House of Commons will never part with their jurisdiction in such matters, I would answer that this remark might have been made previously to the year 1770; but since that year, when the Grenville Act was passed, an act that was perhaps one of the greatest improvements ever made in legislation, the assertion is no longer to be admitted. That very Grenville Act took away the jurisdiction from the House of Commons, and vested it in a separate court—a court of which, it is true, the Members were all to be Members of the House of Commons; but the House of Commons itself from that time parted entirely with its jurisdiction. I have thought it my duty to call the attention of your Lordships to these matters, and, through your Lordships, the attention of the other House of Parliament. One thing more must be stated. By the act which governs these committees, they were called on to report whether the sitting member or the candidate had any knowledge of the acts of bribery charged against his agents. Now, we have had three or four cases—at any rate we have had two—in which general bribery is declared to have prevailed, and in both cases the sitting members have been unseated, but no statement has been made as to whether the members or the candidates had or had not any knowledge of the bribery practised on their behalf. I will not now detain your Lordships longer on this subject, but I affirm that it will become the duty of your Lordships, as guardians of the purity of Parliament, as guardians of the existence of our mixed constitution—I say it will become your absolute and bounden duty to prosecute this inquiry, and to investigate the profligate bribery and corruption that have prevailed; and with this view I shall now conclude by moving,—

"That a Message be sent to the House of Commons to request a communication of the evidence taken before the Sudbury, the Ipswich, and the Great Marlow election committees."

The *Lord Chancellor* said, having been aware that his noble and learned Friend was about to bring his motion before their Lordships, he thought it his duty to make some inquiries in another quarter, the result of which led him to imagine that the noble and learned Lord was not likely to get anything by his motion. He hoped that he had said enough, without entering into particulars, to induce his noble and learned Friend to withdraw his motion.

Lord *Brougham* referred to a similar message sent to the House of Commons in 1837 as a sufficient precedent to justify the present motion. The noble and learned Lord was understood to intimate, however, that he should not persevere with his motion after what had fallen from his noble and learned Friend on the Woolsack.

The *Lord Chancellor* had made inquiry on the subject, and he believed it was not likely that an answer would be given to the message proposed, such as would please the noble and learned Lord, or forward the object he had in view.

The Earl of *Wicklow* could not understand how they were to discuss and deliberate on any measure sent to them from the other House for correcting these evils which had been so ably detailed by his noble and learned Friend, unless they were in possession of the information upon which that measure was founded. He trusted, if any such measure should be sent to them from the other House, that his noble and learned Friend would bring forward his motion again.

Viscount *Canterbury* said, that his noble and learned Friend, in taking the report of the committee in reference to fictitious votes in the year 1837, asked for by that House, as a precedent for his present motion, must recollect that that committee had been appointed with the view of getting information upon which legislative proceedings were to be taken. He quite agreed with what his noble and learned Friend stated respecting the Grenville Act; and that the House of Commons could not interfere in those election committees by suggestion, by instruction, by commentary upon their course of proceeding, or in any way whatever. It was true there were special cases in which a motion has been submitted by a committee to the House, and there the matter has been before the House. The minutes of the committee have then been before the House with a view to some legislative proceeding, which it was the opinion of the committee itself should be resorted to; but the House has never concurred in such a motion without an express intention of proceeding in that particular case by legislative proceeding. Then, if the House of Commons proceeded to disfranchise, or to deal in any other way with a corrupt borough, that could only be done by a legislative measure, and such a measure must come up to that House, and with it all the information of which the House of Commons was in possession with relation to it. The same thing took place with respect to the report on fictitious votes. The committee were instructed to give information to the House of Commons as to the existence of the practice, and with a view to a legislative cure. It was clear that that House must concur, or the cure could not be effected. His noble and learned Friend had said, that it might be a useful check upon the proceedings of election committees if their minutes were always laid before the House, and were accessible to the country. It might be so, but before that could be done there must be an alteration of the act of Parliament for that purpose. The House of Commons felt great jealousy and delicacy about interfering with the powers of its committees given by act of Parliament; and he was thoroughly convinced, judging from an experience of no short duration whilst he had the honour of filling the Chair of the House of Commons, that, if a message was sent by this House to the House of Commons, it would receive a most civil reply, stating, that the House would send an answer by messengers of its own, but he was thoroughly persuaded that, whatever might be the duration of the Session, they would never find time to despatch their messengers. He thought that the matter of the message which his noble and learned Friend meant should be sent was utterly insignificant in comparison with the magnitude of the statement he had made, in great part of which he entirely concurred; but he did not think, if they got no further answer to the message, that his noble and learned Friend would find that he had advanced one single step in the great undertaking which, he rejoiced to hear, his noble and learned Friend had loaded himself with. He thought, in a matter of such immense public importance, if only confined to the great evil which, as his noble and learned Friend had said, was demoralizing the people, who were led to think that if it produced no danger to them there was no positive harm in it, that it was a sort of equitable juggle; he thought that any thing that could remedy so great an evil was important. But in checking this evil, his noble and learned Friend knew the great jealousy of the House of Commons as to their privileges, and as to their right to be judge of their own law, and nothing would be more wise than, in any thing which this House might do, to carry the House of Commons with it in such a great and beneficial measure. He should, therefore, deeply regret if any step should be taken which might excite a feeling of jealousy in the other House, or in any way break in upon the cordiality subsisting between the two Houses—than which, nothing would help his noble and learned Friend more through the rugged path he would have to travel. He, therefore, strongly urged him not to press his motion.

Lord *Brougham* said, that no authority could be higher than that of his noble Friend who had just spoken; but in this case a legislative proceeding had commenced. "We report bribery," said the committee, "and we recommend you to disfranchise the borough." A legislative proceeding had, therefore, commenced. The noble Viscount, however, said, "Wait till the bill comes here." But that was not done in the fictitious votes case. He was inclined to believe that at the time the Commons sent up to their Lordships the report upon fictitious votes, no intention had been announced of introducing a legislative measure on that subject. Certain it is that the report of that committee in 1837, was committed by the Commons one week after it had been made. However, he should yield to the opinions of others, and not press his motion.

Motion withdrawn.

House adjourned.

HOUSE OF COMMONS,

Monday, May 2, 1842.

Minutes.] Bills. *Public.*—1°. Incumbents Leasing (No. 2); British Possessions Abroad; Ecclesiastical Corporations Leasing (No. 2).

2°. Ecclesiastical Residences; Pentonville Prison.

Reported.—Turnpike Roads (Ireland); Exchequer Bills; Victoria Park; Knightsbridge and Kensington Openings.

Private.—1°. Glegg's Divorce; Boston Harbour (No. 2); Boston Harbour (No. 3).

2°. Faversham Navigation; Stourbridge Roads.

Reported.—Aberdeenshire Roads; Forth and Clyde Navigation.

3°. and passed:—Ardrossan Harbour; St. Philip's (Bristol) Bridge; Gosport Pier.

Petitions Presented. By Mr. Powell, from Bethnal Green, Hoxton, Camberwell, and Shoreditch, for the Redemption of the Tolls on Waterloo, and the other Bridges.—By Mr. Masterman, from Arundel, and Gateshead, against the Income-tax Bill.—Dy Mr. Hodson Hinde, from Attornies at Preston, and Halifax, for the Repeal of the Duty on their Certificates.—By an hon. Member, from Waterford, against any Reduction of the Duties on Foreign Leather.—By an hon. Member from Moray, and Banff, against Alteration of the Timber Duties.—From sundry places, for Universal Suffrage.—From Cowbridge, and Cardiff, against the Removal of the Packet Station from Milford.—From Warfield, for Inquiry relative to the Tithe Commutation Act.—By an hon. Member, from Deal, and Walmer, in favour of the proposed Commercial Reforms and Financial Measures.—By an hon. Member, from Arundel, against the Importation of Foreign Cattle.—From Drumbare, Clonorlee, Ballyjamesduff, Hacketstown, and Haroldstown, against the present system of Education (Ireland).—From Brighton, Upper Chelsea, Tewkesbury, and Reading, for the Better Observance of the Sabbath.—From the Roman Catholics of Chudleigh, for Equality of Civil Rights.—From Llandudno, against Reduction of the Duty on Foreign Copper.—From Warwick Poor-law Union, for Rating Owners instead of Occupiers of Small Tenements.—From Houghton, for Church Extension.

The People's Charter—Petition.] [A Petition from the working classes throughout the kingdom, of the presentation of which Mr. Thomas Duncombe had previously given notice, was brought down to the House, by a procession consisting of a vast multitude. Its bulk was so great, that the doors were not wide enough to admit it, and it was necessary to unrol it, to carry it into the House. When unrolled, it spread over a great part of the floor, and rose above the level of the Table.]

Mr. *T. Duncombe*, in presenting it to the House, said,—Looking at the vast proportions of this petition—looking, too, at the importance attaching to it, not only from the matter it contains, but from the millions who have signed it, I am quite satisfied, that if I were to ask the House to relax the rules which it has laid down to govern the presentation of petitions, it would grant me the indulgence; but as I have given notice of a motion for to-morrow, that the petition should be taken into the serious consideration of the House, and that those who have signed it, should by their counsel and agents, be heard at the Bar of your House, in support of the allegations which the petition contains, I shall not ask the House to grant me that indulgence, but will keep myself strictly within the limits which have been laid down for the presentation of all petitions. I beg respectfully to offer to the acceptance of this House, a petition signed by 3,315,752 of the industrious classes of this country. The petition proceeds from those upon whose toil, upon whose industry, upon whose affection, and upon whose attachment, I may say, every institution, every law, nay, even the very Government, and the whole property and commerce of the country depend. These persons now most respectfully come before you, to state the manifold grievances under which they are suffering. They state those grievances at some length; I need not now go through them, because I mean to ask your Clerk to read them at the Table. I may state, however, that they attribute the manifold grievances and distresses, which they are now enduring, and have for a considerable length of time endured, to class-legislation and to the misrepresentation of their interests in this House. They state, that for a considerable length of time their interests have been grossly neglected, and that no interests beyond your own, have ever been thought of within your walls. They are ready to prove this at your Bar. In the first place, they ask you to hear them. They state in their prayer:—

"That they cannot within the limits of this their petition, set forth even a tithe of the many grievances of which they may justly complain; but should your honourable House be pleased to grant your petitioners a hearing, by representatives at the Bar of your honourable House, your petitioners will be enabled to unfold a tale of wrong and suffering—of intolerable injustice—which will create utter astonishment in the minds of all benevolent and good men, that the people of Great Britain and Ireland, have so long quietly endured their wretched condition, brought upon them, as it has been, by unjust exclusion from political authority, and by the manifold corruptions of class legislation."

This petition proceeds, as I have stated, from 3,315,752 of the industrious classes. I have in my hand, a short analysis of the places in which the greater number of the signatures to the petition were obtained. The list of hamlets and towns from which less than 10,000 signatures were procured, is so very long, that I will not detain the House by reading it. I will name those towns only from which more than 10,000 have been obtained. They are these: Manchester, 99,680; Newcastle and districts, 92,000; Glasgow and Lanarkshire, 78,062; Halifax, 36,400; Nottingham, 40,000; Leeds, 41,000; Birmingham, 43,000; Norwich, 21,560; Bolton, 18,500; Leicester, 18,000; Rochdale, 19,600; Loughborough and districts, 10,000; Salford, 19,600; East Riding, Yorkshire, agricultural districts, 14,840; Worcester, 10,000; Merthyr Tydvil and districts, 13,900; Aberdeen, 17,600; Keithly, 11,000; Brighton, 12,700; Bristol, 12,800; Huddersfield, 23,180; Sheffield, 27,200; Scotland, West Midland districts, 18,000; Dunfermline, 16,000; Cheltenham, 10,400; Liverpool, 23,000; Staleybridge and districts, 10,000; Stockport, 14,000; Macclesfield and suburbs, 10,000; North Lancashire, 52,000; Oldham, 15,000; Ashton, 14,200; Bradford and district, Yorkshire, 45,100; Burnley, and district, 14,000; Preston and district, 24,000; Wigan, 10,000; London and suburbs, 200,000; from 371 other towns, villages, &c. 2,154,807.—Total, 3,315,752. I believe these to be every one of them *bonâ fide* signatures. The remedies that the petitioners suggest would be that they should have a voice in the election of representatives; that they should be represented in this House. They complain that at present they are totally and grossly misrepresented; and they pray that, after having heard them, if you should be satisfied with their arguments, you do immediately, without alteration, deduction, or addition, pass into a law the document entitled "The People's Charter;" which embraces the representation of male adults, vote by ballot, annual Parliaments, no property qualification, payment of members, and equal electoral districts. And your petitioners, desiring to promote the peace of the United Kingdom, security of property, and prosperity of commerce, seriously and earnestly press this their petition on the attention of your honourable House. I beg leave to move that this petition be brought up and read by the Clerk at the Table.

The petition was read by the Clerk, as follows:—

"TO THE HONOURABLE THE COMMONS OF GREAT BRITAIN AND IRELAND, IN PARLIAMENT ASSEMBLED.

"The petition of the undersigned people of the United Kingdom,

"Sheweth—That Government originated from, was designed to protect the freedom and promote the happiness of, and ought to be responsible to, the whole people.

"That the only authority on which any body of men can make laws and govern society, is delegation from the people.

"That as Government was designed for the benefit and protection of, and must be obeyed and supported by all, therefore all should be equally represented.

"That any form of Government which fails to effect the purposes for which it was designed, and does not fully and completely represent the whole people, who are compelled to pay taxes to its support and obey the laws resolved upon by it, is unconstitutional, tyrannical, and ought to be amended or resisted.

"That your honourable House, as at present constituted, has not been elected by, and acts irresponsibly of, the people; and hitherto has only represented parties, and benefitted the few, regardless of the miseries, grievances, and petitions of the many. Your honourable House has enacted laws contrary to the expressed wishes of the people, and by unconstitutional means enforced obedience to them, thereby creating an unbearable despotism on the one hand, and degrading slavery on the other.

"That if your honourable House is of opinion that the people of Great Britain and Ireland ought not to be fully represented, your petitioners pray that such opinion may be unequivocally made known, that the people may fully understand what they can or cannot expect from your honourable House; because if such be the decision of your honourable House, your petitioners are of opinion that where representation is denied, taxation ought to be resisted.

"That your petitioners instance, in proof of their assertion, that your honourable House has not been elected by the people; that the population of Great Britain and Ireland is at the present time about twenty-six millions of persons; and that yet, out of this number, little more than nine hundred thousand have been permitted to vote in the recent election of representatives to make laws to govern the whole.

"That the existing state of representation is not only extremely limited and unjust, but unequally divided, and gives preponderating influence to the landed and monied interests, to the utter ruin of the small-trading and labouring classes.

“That the borough of Guilford, with a population of 3,920 returns to Parliament as many members as the Tower Hamlets, with a population of 300,000; Evesham, with a population of 3,998, elects as many representatives as Manchester, with a population of 200,000; and Buckingham, Evesham, Totness, Guildford, Honiton, and Bridport, with a total population of 23,000, return as many representatives as Manchester, Finsbury, Tower Hamlets, Liverpool, Marylebone, and Lambeth, with a population of 1,400,000! these being but a very few instances of the enormous inequalities existing in what is called the representation of this country.

“That bribery, intimidation, corruption, perjury, and riot, prevail at all parliamentary elections, to an extent best understood by the Members of your honourable House.

“That your petitioners complain that they are enormously taxed to pay the interest of what is termed the national debt, a debt amounting at present to 800,000,000*l.*, being only a portion of the enormous amount expended in cruel and expensive wars for the suppression of all liberty, by men not authorised by the people, and who, consequently, had no right to tax posterity for the outrages committed by them upon mankind. And your petitioners loudly complain of the augmentation of that debt, after twenty-six years of almost uninterrupted peace, and whilst poverty and discontent rage over the land.

“That taxation, both general and local, is at this time too enormous to be borne; and in the opinion of your petitioners is contrary to the spirit of the Bill of Rights, wherein it is clearly expressed that no subject shall be compelled to contribute to any tax, talliage, or aid, unless imposed by common consent in Parliament.

“That in England, Ireland, Scotland, and Wales, thousands of people are dying from actual want; and your petitioners, whilst sensible that poverty is the great exciting cause of crime, view with mingled astonishment and alarm the ill provision made for the poor, the aged, and infirm; and likewise perceive, with feelings of indignation, the determination of your honourable House to continue the Poor-law Bill in operation, notwithstanding the many proofs which have been afforded by sad experience of the unconstitutional principal of that bill, of its unchristian character, and of the cruel and murderous effects produced upon the wages of working men, and the lives of the subjects of this realm.”

“That your petitioners conceive that bill to be contrary to all previous statutes, opposed to the spirit of the constitution, and an actual violation of the precepts of the Christian religion; and, therefore, your petitioners look with apprehension to the results which may flow from its continuance.

“That your petitioners would direct the attention of your honourable House to the great disparity existing between the wages of the producing millions, and the salaries of those whose comparative usefulness ought to be questioned, where riches and luxury prevail amongst the rulers, and poverty and starvation amongst the ruled.

“That your petitioners, with all due respect and loyalty, would compare the daily income of the Sovereign Majesty with that of thousands of the working men of this nation; and whilst your petitioners have learned that her Majesty receives daily for her private use the sum of 164*l.* 17*s.* 10*d.*, they have also ascertained that many thousands of the families of the labourers are only in the receipt of 3¾*d.* per head per day.

“That your petitioners have also learned that his royal Highness Prince Albert receives each day the sum of 104*l.* 2*s.*, whilst thousands have to exist upon 3*d.* per head per day.

“That your petitioners have also heard with astonishment, that the King of Hanover daily receives 57*l.* 10*s.* whilst thousands of the tax-payers of this empire live upon 2¾*d.* per head per day.

“That your petitioners have, with pain and regret, also learned that the Archbishop of Canterbury is daily in the receipt of 52*l.* 10*s.* per day, whilst thousands of the poor have to maintain their families upon an income not exceeding 2*d.* per head per day.

“That notwithstanding the wretched and unparaleled condition of the people, your honourable House has manifested no disposition to curtail the expenses of the State, to diminish taxation, or promote general prosperity.

“That unless immediate remedial measures be adopted, your petitioners fear the increasing distress of the people will lead to results fearful to contemplate; because your petitioners can produce evidence of the gradual decline of wages, at the same time that the constant increase of the national burdens must be apparent to all.

“That your petitioners know that it is the undoubted constitutional right of the people, to meet freely, when, how, and where they choose, in public places, peaceably, in the day, to discuss their grievances, and political or other subjects, or for the purpose of framing discussing, or passing any vote, petition, or remonstrance, upon any subject whatsoever.

“That your petitioners complain that the right has unconstitutionally been infringed; and 500 well disposed persons have been arrested, excessive bail demanded, tried by packed juries, sentenced to imprisonment, and treated as felons of the worst description.

“That an unconstitutional police force is distributed all over the country, at enormous cost, to prevent the due exercise of the people's rights. And your petitioners are of opinion that the Poor-law Bastiles and the police stations, being co-existent, have originated from the same cause, viz., the increased desire on the part of the irresponsible few to oppress and starve the many.

"That a vast and unconstitutional army is upheld at the public expense, for the purpose of repressing public opinion in the three kingdoms, and likewise to intimidate the millions in the due exercise of those rights and privileges which ought to belong to them.

"That your petitioners complain that the hours of labour, particularly of the factory workers, are protracted beyond the limits of human endurance, and that the wages earned, after unnatural application to toil in heated and unhealthy workshops, are inadequate to sustain the bodily strength, and supply those comforts which are so imperative after an excessive waste of physical energy.

"That your petitioners also direct the attention of your honourable House to the starvation wages of the agricultural labourer, and view with horror and indignation the paltry income of those whose toil gives being to the staple food of this people.

"That your petitioners, deeply deplore the existence of any kind of monopoly in this nation, and whilst they unequivocally condemn the levying of any tax upon the necessaries of life, and upon those articles principally required by the labouring classes, they are also sensible that the abolition of any one monopoly will never unshackle labour from its misery until the people possess that power under which all monopoly and oppression must cease; and your petitioners respectfully mention the existing monopolies of the suffrage, of paper money, of machinery, of land, of the public press, of religious privileges, of the means of travelling and transit, and a host of other evils too numerous to mention, all arising from class legislation, but which your honourable House has always consistently endeavoured to increase instead of diminish.

"That your petitioners are sensible, from the numerous petitions presented to your honourable House, that your honourable House is fully acquainted with the grievances of the working men; and your petitioners pray that the rights and wrongs of labour may be considered, with a view to the protection of the one, and to the removal of the other; because your petitioners are of opinion that it is the worst species of legislation which leaves the grievances of society to be removed only by violence or revolution, both of which may be apprehended if complaints are unattended to and petitions despised.

"That your petitioners complain that upwards of nine millions of pounds per annum are unjustly abstracted from them to maintain a church establishment, from which they principally dissent; and beg to call the attention of your honourable House to the fact, that this enormous sum is equal to, if it does not exceed, the cost of upholding Christianity in all parts of the world beside. Your petitioners complain that it is unjust, and not in accordance with the Christian religion, to enforce compulsory support of religious creeds, and expensive church establishments, with which the people do not agree.

"That your petitioners believe all men have a right to worship God as may appear best to their consciences, and that no legislative enactments should interfere between man and his Creator.

"That your petitioners direct the attention of your honourable House to the enormous revenue annually swallowed up by the bishops and the clergy, and entreat you to contrast their deeds with the conduct of the founder of the Christian religion, who denounced worshippers of Mammon, and taught charity, meekness, and brotherly love.

"That your petitioners strongly complain that the people of this kingdom are subject to the rule of irresponsible law-makers, to whom they have given no authority, and are enormously taxed to uphold a corrupt system, to which they have never in person or by representation given their assent.

"That your petitioners maintain that it is the inherent, indubitable, and constitutional right, founded upon the ancient practice of the realm of England, and supported by well approved statutes, of every male inhabitant of the United Kingdom, he being of age and of sound mind, non-convict of crime, and not confined under any judicial process, to exercise the elective franchise in the choice of Members to serve in the Commons House of Parliament.

"That your petitioners can prove, that by the ancient customs and statutes of this realm, Parliament should be held once in each year.

"That your petitioners maintain that Members elected to serve in Parliament ought to be the servants of the people, and should, at short and stated intervals, return to their constituencies, to ascertain if their conduct is approved of, and to give the people power to reject all who have not acted honestly and justly.

"That your petitioners complain that possession of property is made the test of men's qualification to sit in Parliament.

"That your petitioners can give proof that such qualification is irrational, unnecessary, and not in accordance with the ancient usages of England.

"That your petitioners complain, that by influence, patronage, and intimidation, there is at present no purity of election; and your petitioners contend for the right of voting by ballot.

"That your petitioners complain that seats in your honourable House are sought for at a most extravagant rate of expense; which proves an enormous degree of fraud and corruption.

"That your petitioners, therefore, contend, that to put an end to secret political traffic, all representatives should be paid a limited amount for their services.

"That your petitioners complain of the inequality of representation; and contend for the division of the country into equal electoral districts.

"That your petitioners complain of the many grievances borne by the people of Ireland, and contend that they are fully entitled to a repeal of the legislative union.

"That your petitioners have viewed with great indignation the partiality shown to the aristocracy in the courts of justice, and the cruelty of that system of law which deprived Frost, Williams, and Jones, of the benefit of the objection offered by Sir Frederick Pollock during the trial at Monmouth, and which was approved of by a large majority of the judges.

"That your petitioners beg to assure your honourable House that they cannot, within the limits of this their petition, set forth even a tithe of the many grievances of which they may justly complain; but should your honourable House be pleased to grant your petitioners a hearing by representatives at the Bar of your honourable House, your petitioners will be enabled to unfold a tale of wrong and suffering—of intolerable injustice—which will create utter astonishment in the minds of all benevolent and good men, that the people of Great Britain and Ireland have so long quietly endured their wretched condition, brought upon them as it has been by unjust exclusion from political authority, and by the manifold corruptions of class-legislation.

"That your petitioners, therefore, exercising their just constitutional right, demand that your honourable House do remedy the many gross and manifest evils of which your petitioners complain, do immediately, without alteration, deduction, or addition, pass into a law the document entitled 'The People's Charter,' which embraces the representation of male adults, vote by ballot, annual Parliaments, no property qualification, payment of Members, and equal electoral districts.

"And that your petitioners, desiring to promote the peace of the United Kingdom, security of property, and prosperity of commerce, seriously and earnestly press this, their petition, on the attention of your honourable House.

"And your petitioners, &c."

Petition to be printed.

WEST INDIA PACKET STATION.] Mr. *Wallace*, seeing the hon. Secretary for the Admiralty in his place, wished to inquire whether it were the intention of the Admiralty to make any change in the West-India line of packet station. Considerable delay had taken place with respect to the delivery of letters from the West Indies, and he wished to know whether it were the intention of the Admiralty to take this question into consideration, and whether, if any change were made, Southampton would be one of the new stations.

Mr. *S. Herbert* said, the delay arose from accidental circumstances, but it was the intention of the Admiralty to take the question into consideration. A recommendation had been made of certain towns to be made packet stations, and Southampton was one.

CHURCH EXTENSION.] Mr. *Hawes* wished to put a question to the hon. Baronet, the Member for the University of Oxford. He wished to renew the question he had more than once put as to whether it was the intention of the hon. Baronet, at an early period, to bring under the notice of the House the subject of Church Extension [*Cheers*].

Sir *R. H. Inglis* said, that in reply to the question of the hon. Member, and in reply to the cheer with which that question had been received, he would repeat the answer which he had given on a former occasion, that he retained his intention with respect to bringing the subject forward this Session, and he would give ample notice to the hon. Gentleman, and the House, of the time at which he intended to bring it forward.

INCOME-TAX COMMITTEE.] House in committee on the Income-tax Bill.

On clause 3 being proposed,

Mr. *Hume* objected to placing the duties under the management of the commissioners of stamps and taxes. The clause would, in his opinion, confer upon them powers of the most objectionable and inquisitorial character. They might, as they in fact did at present, appoint informers and send spies over the whole country. After what had taken place, he did not consider it worth his while to propose amendments, but he thought the powers proposed to be given to the commissioners of stamps ought to be more strictly defined.

The *Chancellor of the Exchequer* said, that the powers of the commissioners would be regulated by the Land Tax Commissioners Act.

Mr. *Hume* said, that that would lessen but not remove the evil of which he complained.

Clause, with verbal amendments, agreed to.

On the 4th clause being proposed,

The *Chancellor of the Exchequer* said, that he had an amendment to make in this clause, in order to give the commissioners of stamps the power of giving notice where the district commissioners should meet, and as to the manner in which the provisions should be carried out.

Mr. *Hume* thought such powers would best be entrusted to the Government, more particularly as regarded the manner of choosing acting commissioners.

The *Chancellor of the Exchequer* did not think the Government the best party to be entrusted with such powers.

Mr. *Hume* said, that the Chancellor of the Exchequer would, as a Member of the Government, be responsible for the appointments he might make; but the commissioners of land-tax might be considered as virtually irresponsible for the exercise of their powers. If the right hon. Gentleman had looked as narrowly into this subject as he (Mr. Hume) had done in 1822, he would find that many crying evils existed in regard to these appointments. It was infinitely better that the power of making these appointments should be vested in the head of the Board of Taxes than in a Board of fifty or sixty men appointed by the Members for the county. He objected to the clause as it stood, for it would be productive of a great deal of political partisanship. He knew it was needless for him to bring forward any amendment, for Government had determined that the bill should pass, and he admitted that it was of the utmost importance to the commercial interests that the bill should pass with as little delay as possible. He could not express in too strong terms the injury sustained by the commerce and manufactures of the country in consequence of the uncertainty in which they now were. Until the tariff was settled, the domestic and foreign commerce would, to a certain degree, remain paralysed; and, bad as affairs were, this uncertainty made them a great deal worse. He would not, therefore, propose any amendment of the clause; but he hoped that Government would give every consideration to the suggestion as made by hon. Members, and adopt them whenever they could conscientiously do so.

Sir *R. Peel* said, that he had heard with the greatest satisfaction the opinion of the hon. Member for Montrose in respect to the advantage of their being enabled, at as early a period as they could consistently with their performance of their public duty, to apply themselves to the consideration of the tariff. He thought it right that measures of such importance should undergo the serious consideration of the House. In regard to those motions for adjournment, he had never complained that they offered any unfair obstacle to the progress of the present measure. At the same time, he must say, that during those discussions, he entertained the strongest opinion, formed on the representations made to him, that it was of the utmost importance to settle as soon as they could the commercial state of the country. That uncertainty removed, he thought there was every prospect of increased trade, and a greater demand for labour. Since the hon. Member had admitted that the House had marked its sense of the principle of the present measure, he trusted that hon. Gentlemen opposite would agree with him in thinking that as little delay as possible should take place in regard to the details and machinery of the bill. In regard to the objection urged by the hon. Member against the present clause, he thought it would be liable to great exception, if Government had proposed to supersede the local authorities, and to appoint officers of their own. If the principle recommended by the hon. Member for Montrose was a good one for the present tax, it would also be a good one for the assessed taxes. Now the Government proposed to take the land-tax commissioners as they found them. The bill contained two principles in regard to the collection of the tax. In the first place, the tax would be collected and the scrutiny made by local authorities, but inasmuch as it was said that many parties would object to the scrutiny being made by local authorities, the bill gave them the power of going before the local authorities, if they thought fit to do so, but if they objected to this, they had the option of going before the special commissioners appointed by Government. There would therefore be a local and a Government tribunal, and the party aggrieved could go before either of them. It was more consistent to leave the local tribunals in the hands of the local authorities, and those of the Government in the hands of the Government. If the hon. Member for Montrose was of opinion, that the land-tax commissioners should be abolished, that was a subject for general consideration, but not one to be effected under a temporary act. He very much doubted whether they could constitutionally abolish altogether those privileges which the counties had of assessing themselves, and of collecting the tax by means of local authorities. He would, however, reserve his opinion on that point, but he could not acquiesce in the suggestion of the hon. Member for Montrose, and he hoped he had said enough to convince him that it was not desirable.

Mr. *Labouchere* quite agreed with what had fallen from the hon. Member for Montrose in regard to proceeding with as little delay as possible, in the settlement of this question. He could not help thinking, however, that a great deal of misapprehension prevailed on that subject, not only among Members of that House, but also, and to a still greater extent, among those out of doors. The hon. Member had talked as if there had been delay in the consideration of the tariff. Now, not one single day, not one single hour, had been lost, for the tariff, in the form which Government meant to propose it, was not even yet on the Table of the House. It was right he should remind the House of this. The discussion on the Income-tax could not have delayed the tariff. Having agreed to the principle of the Income-tax, he had no wish to see that principle broken in upon, but it was rather hard to put a sort of duresse on the House, and to deny to hon. Members who differed from him in opinion the liberty of bringing forward whatever amendments in the details of the measure they might feel it their duty to propose, merely on the assertion that it would produce great public evil. Government might be perfectly justified in taking all the time they had to consider the tariff, but it ought to be recollected that the House were not even now in a condition to debate the tariff. If the right hon. Gentleman really considered that the delay of the tariff was so great an evil to the commerce of the country, that it ought to be avoided, he should have introduced the tariff before he proceeded further with the Income-tax; but if, as he had stated, the right hon. Gentleman considered that the Income-tax ought to be decided before the House proceeded to discuss the tariff, he had no right to turn round upon them (the Opposition), and charge them with the mischief which might result from the necessary delay occasioned by the consideration of the former measure. No doubt Government were right in taking time to consider the whole of the details of the tariff before they brought it forward, but, until they had it before them, the House could not possibly be in a condition to discuss it, nor were they to be held answerable for any delay that had occurred in the settlement of the question. He would take this opportunity of asking the right hon. the Chancellor of the Exchequer, whether he could give the House any idea of what would be the probable expense of the machinery by which the provisions of the Income-tax were proposed to be carried out? He thought it was highly desirable, that they should have some information upon this point before they proceeded to the third reading of the bill.

The *Chancellor of the Exchequer* could not give any such account as that required by the right hon. Gentleman, nor should he be enabled to do so until he had some knowledge of the number of special commissioners it might be necessary to appoint, to give the right hon. Gentleman the necessary information, but he had no doubt he should be enabled to do so before the time stated by the right hon. Gentleman.

Sir *R. Peel* was sure the right hon. Gentleman opposite would not, on consideration, charge him with the intention to impose upon the House any such duresse as that to which he had referred. He should not even have alluded to the delay that had taken place but that the hon. Member for Montrose had, under the influence of a sense of public duty, stated the necessity of discussing the proposed alterations in the tariff with as little delay as possible. He said, at once, that he had heard that declaration of the hon. Member with satisfaction, and admitted, that it was of the highest importance to the commercial interests of the country that they should be enabled to take time for the full consideration of the tariff; and that at as early a period as possible, consistent with their due consideration, the question should be settled. He did not by that imply, that any hon. Member had interposed or wished to interpose any unnecessary delay, and to relieve the mind of the hon. Gentleman he was prepared to declare that the interval that had elapsed since the introduction of the tariff had had this advantage, that it had enabled the Government to hold intercourse with and receive communications from persons connected with commerce, who would be affected by the proposed alterations, and the information so obtained had been found most valuable in completing the tariff. There were three or four calculations which were not yet concluded; but he might say, that the measure was so far completed, that they should be prepared to enter into the discussion of it as soon as the report of the committee upon the Income-tax should have passed.

Mr. *Hume* asked why the consideration of the tariff could not be commenced to-morrow, without waiting for the report of the present committee?

Mr. *Blewitt* hoped, that no unnecessary delay was attributed to him. He appealed to every hon. Member of that House, whether there had been any thing in his conduct dishonourable or ungentlemanly? If that were admitted, he must beg to say, that when he proposed the adjournment of the debate the other night, he did so from the belief, that the subject required further consideration, and that, in point of constitutional practice, the tariff ought to be considered before the Income-tax. Having made that observation, he hoped he would be considered as having made his peace with the House.

Sir *R. Peel* said, that he did not mean to make any complaint relative to the course which had been taken in former discussions. He was sure that the hon. Member had acted solely from his sense of public duty, and not for the purpose of interposing any other obstruction.

Mr. *B. Wood* wished to ask the right hon. Baronet whether the Government had taken into their consideration the proposition which he had made on a former evening, that a party should be allowed to set off his losses under one schedule, against his gains under another. He thought it would be better that the subject should be taken up by the Government than by any individual Member.

Sir *R. Peel* said, the time for bringing up the clause of the hon. Gentleman had not yet arrived. The proper occasion for bringing the subject under the consideration of the House would be after the bill had gone through committee. For his own part he had only to say, that he adhered to his promise, and had given it his fullest consideration, and he was bound to say, that he had found such objections to the proposal of the hon. Gentleman, that it would be exceedingly difficult for him (Sir R. Peel) to give to it his sanction. The Government were of opinion, after maturely considering the matter, that the proposal would give opportunities for the commission of the most extensive frauds, and it was for the purpose of guarding against that inconvenience that they had introduced the bill in its present shape.

Mr. *Ward* said, that he wished to know in what stage of the proceedings the discussion of the point might be expected to take place. It was one clearly entitled to the consideration of the House. The question, in his opinion, was simply this; whether a man should pay a tax upon that income which he had, or upon that income which he had not.

Sir *Robert Peel* said, that he should give the hon. Gentleman a fair opportunity of submitting his proposal to the House should the Government decline to adopt it.

Clause, as amended, agreed to.

A great number of the following clauses were agreed to.

In rule 3, clause 60,

"For estimating the lands, tenements, hereditaments, or heritages, hereinafter mentioned, which are not to be charged according to the preceding rule,"

Mr. *Gill* proposed to omit the following words:—

"The annual value of all the properties hereinafter described shall be understood to be the full amount for one year, or the average amount for one year, of the profits received therefrom within the respective time herein limited,"

For the purpose of inserting

"That the annual value of properties hereinafter described shall be computed at the rate of 5*l.* for every 100*l.* of all capital engaged in such property."

The *Chancellor of the Exchequer* opposed the amendment, which he thought would be much more injurious than the original proposition. Besides, it would be extremely difficult to ascertain the amount of capital employed in many descriptions of work.

Mr. *Gill* withdrew his amendment, expressing his intention to propose a clause on the bringing up of the report.

Rule No. 3 agreed to.

The rule No. 5, relative to particular deductions from schedule A, was then put.

Mr. *Mackenzie* proposed to allow a deduction for payments to schoolmasters, for manses, and for the repairs of churches in Scotland.

The *Chancellor of the Exchequer* was not disposed to accede to the deduction, on the ground that the landlord received a greater rent if he paid the sums, which were paid by the tenant in England.

Mr. *E. Buller* thought the Scotchman had a right to this deduction.

Amendment negatived.

On rule 6, the allowances to be made in respect of the duties in schedule A,

Mr. *W. Turner* proposed to exempt all literary and scientific institutions.

The *Chancellor of the Exchequer* did not feel disposed to extend the allowances to the property of these institutions.

Mr. *G. W. Wood* wished to know why the Mechanics' Institutions in large towns should not have the same exemptions as the schools for the higher classes.

The *Chancellor of the Exchequer* thought that these institutions were not, in the strict sense of the word, schools.

Mr. *G. W. Wood* knew at least one institution in which a large subscription had been raised for the purpose of schools.

Mr. *Hawes* enquired whether proprietary schools, and public buildings occupied only for scientific purposes, would be exempted? And he suggested the postponement of this part of the clause. If proprietary schools were not exempted, he saw no reason why the universities should be exempted, and would divide the House against the clause.

Mr. *Gill* thought it would be a hardship on subscription schools if endowed schools were allowed an exclusive exemption.

The *Chancellor of the Exchequer* said, no part of the colleges was exempted which was occupied by the students; the exemption only embraced the halls and gardens. Proprietary schools frequently gave a profit to the parties.

Mr. *Labouchere* contended, that the numerous buildings devoted to the education of the humbler classes had an equal claim on attention. There was a difficulty in drawing a line. The question was of such importance that he hoped the right hon. Gentleman would take it into consideration, or give some sound and valid reason for not assenting to it. He agreed that proprietary schools, which were a matter of speculation, would not be properly exempted; but any building used for education ought to be exempt, whether devoted to the education of the higher or the humbler classes.

The *Chancellor of the Exchequer* said, that the exemption was limited in the same degree as exemption from the assessed taxes. His apprehension was, that by giving way to exemption you might make such an inroad on taxation that he thought it right to adhere to those previously-recognised exemptions. He would take the subject into consideration.

Mr. *G. W. Wood* was pleased to hear that promise, and would not press his amendment.

Mr. *W. S. O'Brien* suggested a postponement of this rule; for he was sure that, after the speech of the right hon. Baronet, the Member for Tamworth, the right hon. Gentleman would consent to the exemption. If any one would support him, he would move the postponement.

Mr. *Escott* thought, that the almost gratuitous education of large numbers of the poorer classes in the large schools, and the fact that in the smaller schools a profit was made by such education being imparted, ought not to be forgotten in the consideration of this question.

Mr. *P. Howard* thought the exemption should only extend to almshouses and hospitals, but if they went one step beyond that, then the exemption as regarded public schools should be full and general, instead of confining it, as the right hon. Gentleman proposed, to particular instances.

Mr. *Hume* begged to inquire whether the London University was exempt under this clause?

The *Chancellor of the Exchequer* answered in the affirmative; the exemption, of course, only applying, provided there was no residence in it.

Mr. *Fox Maule* would be glad to be informed whether schools, of royal foundation, such as the Charter-house, and Christ's-hospital, were exempt?

The *Chancellor of the Exchequer* was not at present prepared to answer the question.

Rule No. 6 agreed to.

On clause 87, which enacts the rules for assessing and charging the duties under schedule C, and provides, that thoe "duties shall extend to all public annuities whatever, payable in Great Britain, out of any public revenue in Great Britain or elsewhere, and to all dividends and shares thereof, which shall become payable after the 5th day of April, 1842," except certain exceptions.

Mr. *Hawes* begged to call the attention of the committee to the circumstances that a great portion of shares and dividends were payable in a half-yearly proportion in July. According to the present clause, all such dividends and shares would pay a quarter of a year's proportion of tax which they were not justly called upon to pay, as the act did not come into operation till the 5th of April. He, therefore, thought that the *quota* payable on such shares and dividends ought to be calculated only for the quarter of the year from April to July.

Sir *G. Clerk* said, the landed proprietor was precisely in the same position with respect to his rents, as the proprietor of dividends and shares.

Mr. *Hume* said, that in order to bring the matter in a practical way before the committee, he would move, to add the following words:—

> "Provided always, that when any annuities, dividends, or shares of annuities, shall be payable half yearly or yearly, such annuities, dividends, or shares of annuities shall be apportioned, and the amount shall be chargeable only upon so much of such annuities, dividends, or shares of annuities as shall have accrued after the 5th day of April."

The hon. Gentleman added, that he thought the same principle should be applied to the rents of land.

The *Chancellor of the Exchequer* said, that if the hon. Gentleman were to carry his amendment, the bill, which as it now stood, would expire in April, 1845, must be extended to July, 1845, in order to meet the cases of dividends then due and payable; great inconvenience must arise from any such course, and he must, therefore, oppose the amendment.

The Committee divided on the question that the words be inserted:—Ayes 84; Noes 159:—Majority 75.

List of the AYES.

Ainsworth, P.
Aldam, W.
Barclay, D.
Baring, rt. hon. F. T.
Barnard, E. G.
Berkeley, hon. Capt.
Bernal, R.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Busfeild, W.
Carew, hon. R. S.
Chapman, B.
Christie, W. D.
Colebrooke, Sir T. E.
Crawford, W. S.
Dawson, hon. T. V.
Dennistoun, J.
Duncan, Visct.
Duncan, G.
Ellis, W.
Evans, W.
Fielden, J.
Fitzroy, Lord
Forster, M.
Fox, C. R.
Gill, T.
Gore, hon. R.
Granger, T. C.
Hatton, Capt. V.
Hawes, B.
Heneage, E.
Hill, Lord M.
Howard, Lord
Howard, P. H.
Hutt, W.
Jervis, J.
Kemble, H.
Labouchere, rt. hn. H.
Langston, J. H.
Layard, Capt.
Mackenzie, T.
Martin, J.
Masterman, J.
Maule, rt. hon. F.
Mitcalfe, H.
Mitchell, T, A.
Morris, D.
Morrison, J.
Muntz, G. F.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, J.
O'Ferrall, R. M.
Palmerston, Visct.
Pechell, Capt.
Plumridge, Capt.
Ponsonby, hon. J. G.
Power, J.
Rice, E. R.
Rundle, J.
Seale, Sir J. H.
Seymour, Lord
Smith, B.
Stansfield, W. R. C.
Staunton, Sir G. T.
Tancred, H. W.
Thorneley, T.
Turner, E.
Villiers, hon. C.
Vivian, hon. Major
Wakley, T.
Wall, C. B.
Wallace, R.
Wawn, J. T.
Williams, W.
Wilshire, W.
Winnington, Sir T.
Wood, B.
Wood, G. W.
Worsley, Lord
Yorke, H. R.

TELLERS.

Hume, J.
Humphrey, Mr. Ald.

List of the NOES.

A'Court, Capt.
Ackers, J.
Adare, Visct.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Arbuthnot, hon. H.
Arkwright, G.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baldwin, B.
Bankes, G.
Baring, hon. W. B.
Bell, M.
Beresford, Capt.
Blackburne, J. J.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Chapman, A.
Chelsea, Visct.
Chetwode, Sir J.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G
Cockburn, rt hn. Sir G.
Collett, W. R.
Colvile, C. R.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Darby, G.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
D'Israeli, B.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Dowdeswell, W.
Drummond, H. H.
Duncombe, hon. A.
Du Pre, C. G.
East, J. B.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord

Escott, B.
Estcourt, T. G. B.
Fellowes, E.
Feilden, W.
Filmer, Sir E.
Fleming, J. W.
Ffolliott, J.
Forbes, W.
Forrester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Godson, R.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Grimston, Visct.
Grogan, E.
Halford, H.
Hamilton, C. J. B.
Hamilton, W. J.
Hanmer, Sir J.
Hardy, J.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, R.
Hope, hon. C.
Hornby, J.
Inglis, Sir R. H.
Jackson, J. D.
Johnson, W. G.
Jones, Capt.
Knatchbull, rt. h. Sir E.
Knight, H. G.
Knight, F. W.
Knightley, Sir C.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Legh, G. C.
Leicester, Earl of
Lockhart, W.
Mackenzie, W. F.
M'Geachy, F. A.
Marsham, Visct.
Master, T. W. C.
Meynell, Capt.
Miles, W.
Mordaunt, Sir J.
Morgan, O.
Morgan, C.
Mundy, E. M.
Nicholl, rt. hon. J.
Packe, C. W.
Patten, J. W.
Peel, J.
Pemberton, T.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Rose, rt. hon. Sir G.
Round, C. T.
Round, J.
Rous, hon. Gapt.
Rushbrooke, Col.
Ryder, hon. G. D.
Sandon, Visct.
Scott, hon. F.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, Evelyn J.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smollett, A.
Somerset, Lord G.
Stanley, E.
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Tollemache, hon. F. J.
Trench, Sir F. W.
Trotter, J.
Vesey, hon. T.
Vivian, J. E.
Waddington, H. S.
Welby, G. E.
Wilbraham, hn. R. B.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

On the 39th line of the second rule of the clause, exempting the trustees for repairs of chapels of the Established Church,—

Mr. *F. Maule* moved, for the purpose of exempting Dissenters, to add the words "and other places of public worship."

The *Chancellor of the Exchequer* opposed the amendment.

Mr. *Hume* asked the right hon. Baronet whether this was dealing out equal justice to all parties? Were Roman Catholics and Presbyterians to be subject to this, and not members of the Established Church?

Amendment withdrawn, on the understanding that its principle was to be taken into consideration by the Government.

Rule agreed to.

After rule 3, in schedule C, had been disposed of,

Mr. *Baring* moved as an addition to the exemptions under the rules—

> "The annuities, dividends, and shares *bonâ fide* belonging to any person not being a subject of her Majesty, and not being resident in Great Britain, or elsewhere within the dominions of her Majesty, during such time as the same shall continue the property of such person, and such person shall not be resident in Great Britain, or elsewhere within the dominions of her Majesty, as aforesaid; provided that such annuities, dividends, or shares, shall have been *bonâ fide* the property of such persons on the 22nd day of April, 1842, and shall be duly claimed and ascertained in the manner hereinafter mentioned."

This species of property, the right hon. Gentleman said, was always exempted in every Income-tax. Mr. Pitt exempted it on the ground that such a tax would be a breach of public faith, and likewise because he did not think it right, or that he had the power, to tax foreigners residing abroad, as it would not be taxing income but the funds, and the exemption continued through the whole of Mr. Pitt's Administration. Mr. Addington made similar exemptions upon similar grounds; and in 1806, when a further addition was about to be made to the Income-tax, a motion made by Sir P. Francis, for taxing the property of foreigners in the British funds, was resisted by Mr. Fox. That statesman considered such a proposition a shameful confiscation, involving a flagrant breach of faith, so that, let the revenue resulting from it be what it might, he should think it his duty to reject it. Lord H. Petty concurred entirely in that opinion. It also appeared that Mr. Rose, the Secretary of the Treasury under Mr. Pitt, and Mr. Huskisson agreed in the propriety of exempting these fundholders from taxation. They had the authority of Mr. Pitt, Mr. Addington, Mr. Fox, Lord Grenville, Lord Bexley, Lord Lansdowne, Lord Liverpool, and Mr. Perceval in favour of the principle of the motion he now submitted to the consideration of the committee. The foreign holders had advanced their money under an implied contract resulting from an uniform practice during twenty years of war, and the declarations of various Ministers of the Crown. The right hon. Baronet opposite had argued that some change of circumstances had taken place, which now made a difference in the case. But in his opinion, the case was even now stronger in favour of the proposition he was making. If it was thought prudent to exempt the foreign fundholder during twenty years of war, when it was reasonable to suppose he would be the party least favoured, why should they now, in a time of peace, when friendly relations existed, act contrary to those expectations, which their previous uniform course of proceeding had naturally excited? The Chancellor of the Exchequer had argued, in reference to the terminable annuities, that it was no breach of faith to tax them, because on all occasions they had been taxed in the same way as the permanent funds. He would turn this argument against the right hon. Gentleman on the present occasion, and would contend that they had no right to tax the foreign fundholder, because their previous practice was calculated to make him believe that he would be exempt. How had the right hon. Gentleman opposite acted in the case of Exchequer-bills? That was an actual bargain under an act of Parliament, and on the face of an Exchequer-bill itself 100*l.* was lent on condition that at the end of the year that sum should be returned or a new bill given. Now, in 1829, the right hon. Gentleman had occasion to fund Exchequer-bills. They were then at 30*s.* premium, and the right hon. Gentleman gave that premium to the party holding the bills. He was asked upon what ground he did so, and his answer was that he had given the premium on account of good faith, and upon the understanding on which the bill was given. He would ask the right hon. Gentleman, whether he now considered the foreign holder in the same manner as he then considered the home holder? In the former case, the parties had had no previous notice that they would be thereafter liable to the imposition of a property-tax; on the contrary, every notice, every argument, and every expectation there could be was this:—that foreign holders would not be dealt with differently from the manner in which they had been dealt with by every Minister of the Crown hitherto, and by every act of Parliament brought in by any Minister. The right hon. Gentleman said, that the foreign holder had no right to complain, because the funds had risen since the present Government came into office; but that was no argument in favour of this imposition of the tax, but was rather a reason why the foreign holder should complain of the party who held the Government before. It was not a fair answer to say that, by exempting foreign holders the Government would be liable to be cheated; but, after all, they were likely to be cheated of only a comparatively small sum. He argued this question, however, as one of public faith and of bargain; and he would venture to ask the committee whether, even if there were a doubt upon this question, if he had not satisfactorily proved to the House that the implied bargain was, that these parties should be relieved from the Income-tax—it was not better, considering the assembly that were dealing with them, and the great interests of the country, to let the scale fall on the side of public faith rather than to take what they might even consider themselves in justice entitled to take, and to give up this small sum of money than to doubt and hesitate on the case? The right hon. Gentleman in conclusion said, that he should urge no argument founded upon the obligations which they were under to keep inviolate the public faith. He would not insult the House by dwelling on such a topic.

The *Chancellor of the Exchequer* was sure the House would agree with him when he said that upon the present occasion there was no necessity for his making any lengthened reply, as he had already gone through the exhausting process of defending the details of the measure through all the clauses. The right hon. Gentleman who just sat down had concluded his speech by an observation, from which it would seem that he took for granted it was utterly unnecessary for him to support his motion by any argument, as there could be no doubt whatever that to reject his amendment would be a breach of faith. Now, it was to be regretted that the right hon. Gentleman should have avoided that topic, for it appeared to him an exceedingly difficult thing to prove that the bill involved any breach of faith whatever. There was no distinction drawn in the loan acts between the cases of foreigners and of native-born subjects. The rule was made to apply equally to all, and, if he understood anything of good faith as applied to these transactions, he should say that the question of good faith was to be decided by reference to the original loan acts, and most assuredly every one of them applied equally to all men, whether British subjects or aliens. In 1798 Mr. Pitt argued the question upon grounds totally different from those now taken up by the right hon. Gentleman. He never took any distinction between foreigners and British subjects in reference to funded property, as far as good faith was concerned, nor did he ever appear to imagine it possible that any one would think of attempting to establish a difference between them on that ground. He exempted foreigners from payment of Income-tax on grounds which had reference to the peculiar state of public credit at the time. The right hon. Gentleman had endeavoured to induce the House to attach some importance to the expectations entertained by foreigners on this subject. He attached no weight to these expectations. The right hon. Gentleman did not profess to satisfy them. His proposal of exemption was limited to foreigners who now had funded property, and who were resident in foreign possessions. Now, he would put the case of a foreigner living in the Isle of Bourbon, for example, he would not be subject to the tax. The moment he transferred himself to a British colony he instantly found himself under the tax. It appeared to him that no principle could be more calculated than that was to discourage persons of property from settling in our colonies, nor any practice more impolitic or unjust. He begged the House to turn its attention to the form of the right hon. Gentleman's amendment. It was proposed by this amendment that the rule should apply to all who had property in the funds on the 22nd of April in the present year. If a man then were to die on the 23rd, his heir would have no claim to the exemption. On the injustice of that he thought it unnecessary to trouble the House with any observations. The Income-tax Bill of 1806, brought in by Mr. Pitt, distinctly stated, that every person residing within the kingdom of Great Britain, whether foreigner or native born, should pay a portion of his annual receipts towards the necessities of the State, and the present bill did nothing more than affirm the same principle. With respect to the case cited by the right hon. Gentleman of the Government having voluntarily assented to pay the premium of 30*s.* per cent. upon the Exchequer-bills paid off in 1829, all he would say was, that, without entertaining any particular recollection of the facts of that transaction, he would affirm, upon a general knowledge of the circumstances, that the Government acted in the manner described in consequence of the premium upon Exchequer-bills having been taken advantage of, and realised by the Treasury in their issue, and consequently the Government felt bound to repay that additional amount on their stipulated contract price when the same issue of bills was called in, and this was, he apprehended, the reason given at the time for that proceeding. On the whole, therefore, not deeming the amendment of the right hon. Gentleman sufficiently supported, or adequately borne out by his arguments, he could adopt no other course than that which he had already intimated it to be his intention to do—namely, to oppose it by a simple negative.

Mr. *Labouchere* said, he had entertained a very strong opinion upon this question when his right hon. Friend resumed his seat, but after the arguments of the Finance Minister of the Crown, he must say that the opinion he held before was still stronger. The right hon. Gentleman had said, that he did not find in Mr. Pitt's speeches any statement that it was not lawful to tax foreigners. Why? It was not necessary for Mr. Pitt to make such a statement, for every act that was brought forward expressly excluded foreigners. But had the right hon. Gentleman met the argument of his right hon. Friend the Member for Portsmouth? When Sir Philip Francis, in 1806, proposed to include foreigners within the scope of the Income-tax, Mr. Fox said it would not only be bad policy, but a breach of good faith so scandalous in its nature that nothing should induce him to be a party to it. And what course did Mr. Huskisson, Lord Castlereagh, and Mr. Canning pursue? Did they differ from Mr. Fox? If they did, it was extraordinary that they should not have said so. Let any man read the debates of 1806, and he could not fail to come to the conclusion that, in the opinion of Lord Grenville's Administration, consistently with good faith, it was not possible to apply the principle of the Income-tax to those foreigners who held property in the English funds. This was the first time that any doubt had been thrown upon the accuracy of that conclusion by a Minister of the Crown; and he thought it unfortunate for the country that we should appear less scrupulous with regard to our public credit than heretofore. He would not charge the proposers of this measure with laxity of principle; but he could not help thinking that they had adopted the clause without due consideration, and he therefore hoped that if they saw any reason to doubt the propriety of persisting in their present course, they would, as the defenders of the honour of this country, frankly avow it, and rescue the country from a position which he conceived to be one of very considerable danger. The Chancellor of the Exchequer appeared to have mistaken the facts of the case; he said that no objection was made to taxing foreigners residing in this country. Under the acts of Mr. Pitt and Lord Lansdowne they were taxed. But then Mr. Fox drew this distinction, that foreigners residing in this country, enjoying the protection of its Government and its laws, were bound to pay their share of the expense of keeping up that protection. To tax foreigners who were not resident here, but who derived their incomes from our funds, would be to tax the funds; but to tax foreigners resident in this country was fair, because they had an identity of interest. He could not help calling the attention of the committee to a petition which had been presented by one of the Members for the city of London, which was signed by some of the most eminent mercantile firms, whose names were known all over the world as the representatives of British enterprise and honour. He would read a few of the signatures—"Smith, Payne, and Smith; Robarts and Co.; Stone and Co.; Glyn, Hallifax, and Co.; Overend, Gurney, and Co.; Reid, Irving, and Co.;" two Members of that House, who were present, he hoped, to support the prayer of the petition, in which it was stated that this proposal on the part of the Government was contrary to public faith. Then there were Messrs. Barclay and Co., and he might go on to mention twenty or thirty other names of the principal houses in the city. Let the House then pause before they consented to adopt a proposition of which those petitioners spoke in the following emphatic terms:—

> "Your petitioners have learned with great regret that it is proposed in a bill now under the consideration of your hon. House to authorize a deduction of *7d.* from every pound sterling payable to foreigners in the shape of dividends and annuities from the public funds of this country, and your petitioners respectfully submit to your hon. House that such a deduction is contrary to the public engagements entered into by this country, and opposed to its uniform custom and practice; and that if adopted it will be a tax upon the debt of the country, and not a tax upon incomes fairly liable, and therefore it will be a violation of public faith, inasmuch as a less dividend will be paid than was contracted to be paid."

He had argued the question hitherto simply as one of public faith. Speaking in that House upon such a subject, he was almost ashamed to have recourse to arguments of a lower description; yet he felt bound to ask her Majesty's Ministers, whether it were really for the interest of this country—this country, which, with reference to other countries, was to be regarded as a great creditor country—to hold out these novel maxims upon the subject of public faith. There were states and countries—and he feared that recent experience had shown that the tone of public feeling throughout the world upon these subjects was not altogether what it ought to be—there were states and countries, in the funds of which our fellow subjects had a deep interest, and in which it might be that the citizens of those countries had themselves a similar interest, but in which the chief part of the national debt consisted almost entirely of funds belonging to foreigners, and principally, he feared, to Englishmen. Were her Majesty's Ministers quite sure that the Chancellors of the Exchequer of those countries might not consider it a very convenient source of revenue to levy a considerable impost upon those funds? He ought to hesitate before he set an example which was likely to be followed in such a manner. One word more, and he would have done. All he asked them was to consider how the clause would practically work. They proposed to tax the funds of foreigners, he would suppose, to the extent of 10 per cent.; they would tax the funds as funds, and as the foreigner might be a resident in his native or some other foreign state, which state would, of course, tax his property in the funds, not because they were funds, but because they were income. He would thus be taxed 10 per cent. on his funds in England as funds, and 10 per cent. because they were income. He had stated this as an instance of the hardship which might be expected, in order that the subject might be well considered. He regretted that Government had adopted a course which was entirely novel in the legislation of this country, different from any which their predecessors had adopted, and which he feared would lead to consequences the most serious to this country. Under these circumstances he earnestly entreated the right hon. Baronet at the head of the Government, on whose character and reputation great reliance was placed, and who had a deeper interest in this subject than any other man in the House or in the country—he entreated the right hon. Baronet to consider whether it would really be consulting his own character, the honour of the House, or the interests of the country, in persisting in the course which he had adopted.

Sir *R. Peel* said, that he was quite ready to take the advice of the hon. Member, and consider maturely whether it would not be better for his own character, as well as for the character of the House and country, to exempt foreigners not subjects of Great Britain from the tax which was now proposed. He was quite ready to consider that question. Let the House consider what the amount was which they expected to gain from this source. It was calculated that the sum would be between 10,000*l.* and 20,000*l.* Really, that sum was so trifling, that if they should be induced to commit an act of the slightest injustice towards any body of men, it would hardly have been worth while to do so for so small an amount. The principal arguments which had been advanced by the two hon. Members who had addressed the House in favour of the motion had been based on the former practice of Parliament, and the *dicta* of Mr. Fox. Now, what were the *dicta* of Mr. Fox? He, Mr. Fox, said, it would be inconsistent with the principles upon which Parliamentary representation subsisted to give to the Crown the property of foreigners, in addition to that derived from those whom we represent; and how could her Majesty thank her good and loyal subjects for their benevolence, when the grant would not be wholly from themselves, but partly from foreigners? Mr. Fox said, that we could not tax foreigners who were not subjects of Great Britain. What did the bill say on this subject? He would refer to schedule D. It says—

> "Upon the annual profits or gains, arising or accruing to any person residing in Great Britain, for any kind of property whatever, whether situated in Great Britain or elsewhere, upon any profession, trade, employment, or vocation, whether the same shall be respectively carried on in Great Britain or elsewhere, there shall be charged yearly for every 20*s.* of the amount of such profits or gains, the sum of 7*d.*"

He thought it would appear clear, from what he had just read to the House, that they had acted upon the constitutional doctrines of Mr. Fox. Foreigners were not exempt from this tax imposed on all mortgaged property. If they had property invested in railroad speculations, the profits were deducted from the expenses; but if they held property in the British funds, then it was said they ought to be exempted from the payment of any deduction, and to tax their property under these circumstances was declared to be a great and flagrant act of injustice. This was to be the only exception, it was only to be viewed as unjust when applied to money invested by foreigners in the English funds. On what account, he would ask, was it so unjust? Did the public records or acts of Parliament make any distinction between British subjects and foreigners? There was no clause in any act of Parliament to exempt foreigners from any of the responsibilities or privileges which result from loans granted to the State. The British funds were as open to the foreigner as to the subjects of this country; they were, in fact, open to the whole world, and every individual, without any distinction of country, may derive all the protection which the British funds offered. It was well known, that the English funds had lately been advancing, and although he had no doubt, that several circumstances had contributed to that event, still it was a fact, that since the Income-tax had been proposed for the adoption of Parliament, the funds had risen 4 per cent. Now, what was the fact with reference to the English funds? The foreigner had the advantage of relieving himself if he thought proper by removing his money from the British funds under certainly very favourable circumstances. He had the option of doing so at this time, if he wished to escape the Income-tax. The foreigner saw a disposition on the part of Government to increase the value of funded property, not by having recourse to fresh loans, but by making a great sacrifice to meet the financial embarrassments of the State. It did appear unjust to him, that the foreigner should derive the sole advantage which resulted from this national sacrifice, and should not contribute his share towards the exigencies of the country. He thought the natural consequences of not incurring any additional public debt would be considerably to enhance the public credit. The right hon. Gentleman, the late Chancellor of the Exchequer (Mr. F. Baring) would exempt all foreigners not being resident in any part of her Majesty's dominions from this tax. He would like to know whether foreigners resident in any of our colonial possessions, in the Cape of Good Hope or in Canada, were to be exempted? What constituted residence, according to the opinion of the right hon. Member, the late Chancellor of the Exchequer. He said,—

> "The annuities, dividends, and shares *boná fide* belonging to any person not being a subject of her Majesty, and not being resident in Great Britain or elsewhere within the dominions of her Majesty, during such time as the same shall continue the property of such person, and such person shall not be resident in Great Britain or elsewhere within the dominions of her Majesty, as aforesaid; provided that such annuities, dividends, or shares, shall have been *boná fide* the property of such persons on the 22nd of April, 1842, and shall be duly claimed and ascertained in the manner hereinafter mentioned."

Mr. Pitt and Mr. Fox exempted foreigners from the tax during the war upon political and prudential reasons, and totally without relation to any abstract considerations of justice. He was quite aware that the sum to be derived from the taxation of stock held by foreigners would be very inconsiderable, but he also felt that there was no valid claim for exemption. A full consideration of justice to all had led him to impose a tax upon all. The foreigner had purchased into our funds because of the security which it offered him—that property was now more valuable in consequence of the sacrifices which the people of England was about to make, and it would be very unfair that he should go wholly free from taxation while the Englishman bore it patiently.

Mr. *Hume* could not vote with the right hon. Gentleman on his side of the House, because he had assigned a reason why the foreigner should escape while the Englishman was taxed. The law which created the debt made the same bargain with all. The condition was, that every man who took a portion of the loan should be exempted from all expenses of transfer or other tax at the Bank of England, and from all charges at all times. The reason why he objected to the motion of the right hon. Gentleman was, because he did not make it general. There was no distinction made in the contract. The British public had forfeited their faith with the public creditor, and, that being the case, he could see no reason why the foreigner should be exempted while the Englishman was made to pay. The only question in his opinion was, whether the present exigency was of sufficient magnitude to justify a violation of the public faith; in his opinion it certainly was not. Admitting that to be the case, however, he saw no reason for making a distinction between the foreigner and the Englishman.

Mr. *Masterman* said, that although the petition alluded to by the right hon. Gentleman opposite was signed undoubtedly by a great number of the mercantile community of the City of London, still to his knowledge there were a large number also who had not signed. For his own part, he would assert, that if he thought the proposition of the right hon. Baronet calculated to defraud the foreigner by subjecting him to the same tax as the British subject, he would not give it his support. He, however, did not view the matter in this light, and he asked any hon. Gentleman in that House whether the foreigner did not hold that property with the idea that it was held on the same security as that of the British subject?

Mr. *Hawes* said, that a parallel had been instituted between the foreigner holding shares and the foreigner who held property in the English funds; but there was a wide distinction between the two cases. The railway shareholder invested his property in a speculation, and was in the situation of a proprietor. The holder of funded property, on the contrary, stood in the position of a creditor, and there was consequently a material difference between the two; but he would remind the right hon. Baronet, that in former bills this property was always respected. He had lent money to the British Government upon the faith of British acts of Parliament, he could not now be taxed by such a bill as this without affecting the honour and the credit of the country.

Mr. *Baring* replied. He said that he was of opinion with Mr. Fox that it was a breach of public faith to tax the foreign fundholder. The right hon. Gentleman had asked him, with regard to evidence; why he would prove it in the same way as it had been proved when argued under former acts of Parliament, and it would be just as easy to prove evidence in this instance as it was in the case of the Irish landlords resident in this country.

The committee divided on the question that the words proposed by Mr. Baring be added—Ayes 40; Noes 203; Majority 163.

List of the AYES.

Baring, rt. hon. F. T.
Brotherton, J.
Christie, W. D.
Craig, W. G.
Ebrington, Visct.
Gill, T.
Gordon, Lord F.
Gore, hon. R.
Granger, T. C.
Hawes, B.
Hill, Lord M.
Hollond, R.
Howard, hn. C. W. G.
Howard, Lord
Howard, hn. E. G. G.
Howick, Visct.
Labouchere, rt. hn. H.
Mangles, R. D.
Marshall, W.
Martin, J.
Murphy, F. S.
O'Brien, W. S.

O'Connell, M. J.
Parker, J.
Pechell, Capt.
Plumridge, Capt.
Power, J.
Pulsford, R.
Rice, E. R.
Rundle, J.
Rutherfurd, A.
Smith, B.
Stansfield, W. R. C.
Strutt, E.
Tancred, H. W.
Thorneley, T.
Tufnell, H.
Wilshere, W.
Wood, B.
Wood, G. W.

TELLERS.
O'Ferrall, M.
Smith, J. A.

List of the NOES.

Acton, Col.
Adderley, C. B.
Ainsworth, P.
Aldam, W.
Allix, J. P.
Antrobus, E.
Bagot, hon. W.
Bailey, J. jun.
Baillie, Col.
Baldwin, B.
Balfour, J. M.
Bankes, G.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Beresford, Capt.
Beresford, Major
Bernard, Visct.
Blackburne, J. I.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowring, Dr.
Bradshaw, J.

Bramston, T. W.
Broadley, H.
Browne, hon. W.
Bruce, Lord E.
Buckley, E.
Bunbury, T.
Burrell, Sir C. M.
Cavendish, hn. C. C.
Cavendish, hn. G. H.
Charteris, hon. F.
Chute, W. L. W.
Clayton, R. R.
Clements, H. J.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Colvile, C. R.
Compton, H. C.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.

Douglas, J. D. S.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duncan, G.
Duncombe, hon. A.
East, J. B.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Evans, W.
Ferguson, Sir R. A.
Feilden, W.
Feilden, J.
Filmer, Sir E.
Fitzroy, Capt.
Fleming, J. W.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
Forester, hn. G. C. W.
Forster, M.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Grimston, Visct.
Grogan, E.
Hamilton, C. J. B.
Hamilton, J.
Hamilton, W. J.
Hamilton, Lord C.
Hayes, Sir E.
Heathcote, G. J.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, F.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, A.
Howard, P. H.
Hume, J.
Hutt, W.
Ingestre, Visct.
Jackson, J. D.
Jocelyn, Visct.
Johnson, W. G.
Johnstone, Sir J.
Johnstone, H.
Jones, Capt.
Kelburne, Visct.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, F. W.
Knightley, Sir C.
Law, hon. C. E.
Lawson, A.

Lefroy, A.
Legh, G. C.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
M'Geachy, F. A.
Mainwaring, T.
Marsham, Visct.
Masterman, J.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Mitcalfe, M.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morgan, C.
Morris, D.
Neeld, J.
Newry, Visct.
Nicholl, right hon. J.
Norreys, Lord
Norreys, Sir D. J.
Northland, Visct.
O'Brien, A. S.
Ogle, S. C. H.
Paget, Lord A.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Rashleigh, W.
Reade, W. M.
Repton, G. W. J.
Rose, rt. hon. Sir G.
Round, J.
Rushbrooke, Col.
Ryder, hon. G. D.
Sandon, Visct.
Scott, hon. F.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Shirley, E. P.
Sibthorp, Col.
Smollett, A.
Somerset, Lord G.
Stanley, Lord
Stanton, W. H.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Talbot, C. R. M.
Tennent, J. E.
Thesiger, F.
Tollemache, hn. F. J.
Trench, Sir F. W.
Trotter, J.

Turner, E.
Turnor, C.
Verner, Col.
Vesey, hon. T.
Vivian, J. E.
Waddington, H. S.
Wakley, T.
Wallace, R.
Wawn, J. T.
Welby, G. E.
Wilbraham, hn. R. B.
Williams, W.
Winnington, Sir T. E.
Wodehouse, E.
Wood, Col. T.
Worsley, Lord
Wortley, hon. J. S.
Young, J.

TELLERS.

Baring, H.
Fremantle, Sir T.

House resumed. The Committee to sit again.

Alterations in the Tariff.] Mr. *Labouchere* said, his noble Friend (Lord John Russell), who had been compelled to quit the House in consequence of domestic affliction, had requested him to propose a motion of which the noble Lord had given notice. He begged, therefore, to move for a statement of the differences in the resolutions of Customs duties intended to be proposed by Sir R. Peel, laid on the Table of the House on the 11th day of March last, and the resolutions on the same subject laid on the Table on the 11th day of April last. It was, he believed, the intention of his noble Friend to have defended himself from imputations which had been attempted to be cast on the noble Lord and hon. Gentlemen on that side of the House, of having by their conduct impeded in some degree the progress of the measures of Government with respect to the tariff. He thought it would be convenient if, during the discussions on the tariff, the House could have before them at one view the two proposals made by Government. He hoped the House would agree to the motion, which he was perfectly ready to put in any other form to meet the wishes of the right hon. Baronet.

The *Speaker* said, there was an informality in the notice of the noble Lord. Certain papers moved for by a right hon. Gentleman (Mr. Baring) were referred to in the motion as having been "laid on the Table of the House." Those documents had not yet come before that House; they had merely been brought before a committee of the House.

Mr. *Labouchere* said, in consequence of this informality he would withdraw the motion. He hoped, however, that the right hon. Baronet would furnish the information he asked for to the House without any motion being made on the subject.

Sir *R. Peel* said, the alterations which had been made in the proposed tariff had been entirely made in consequence of a sense of justice, where it appeared that there were good grounds for making them, and he did not at all oppose the proposed alterations being laid before the House, The last edition of the tariff had been prepared in two columns, the tariff of last year showing the amount of duty imposed, and what that duty had produced in one, and the proposed tariff in another. If he understood the motion of the noble Lord, it was to have the tariff as at first proposed, and the tariff with the alterations that had been since made, laid on the Table together. The best paper he could produce for the satisfaction of the noble Lord would be to produce the first copy of the tariff and the last copy of it, printed in two columns, and these papers, with the existing tariff, he thought would supply every information. But whatever information was desired he was quite ready to afford.

Mr. *Labouchere* could have very little doubt but that this would meet his noble Friend's wishes. He thought it advisable to know what the alterations in the intentions of the Government were.

Motion withdrawn.

Legality of Warrants.] On the motion of the Solicitor-general a select committee was appointed to inquire into the practice of this House with regard to the summoning of witnesses to attend election committees, and to report whether any and what alteration in the law upon this subject is required.

House adjourned.

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